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THE  
ACTS AND RESOLVES,  
PUBLIC AND PRIVATE,  
OF THE  
PROVINCE OF THE MASSACHUSETTS BAY:

TO WHICH ARE PREFIXED  
THE CHARTERS OF THE PROVINCE,  
WITH  
HISTORICAL AND EXPLANATORY NOTES, AND AN APPENDIX.

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PUBLISHED UNDER CHAPTER 87 OF THE RESOLVES OF THE GENERAL COURT  
OF THE COMMONWEALTH FOR THE YEAR 1867.

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VOLUME XXI.,  
BEING VOLUME XVI. OF THE APPENDIX.

CONTAINING  
RESOLVES, ETC., 1779-1780,

AND

TOWN CHAPTERS, 1692-1714, RELATING TO THE ESTABLISHMENT OF TOWNS,  
PRECINCTS AND PARISHES, DETERMINING TERRITORIAL BOUNDARIES  
AND GRANTING LANDS, GIVEN BY TITLES ONLY IN  
VOLUMES VII., VIII., IX.; ORIGINALLY PLANNED  
TO BE PRINTED IN A SEPARATE VOLUME.

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BOSTON:  
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,  
32 DERNE STREET.  
1922.



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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1779-80.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1779-80.

*Action by MAJOR PART OF THE COUNCIL from May 26, 1779.*

JOHN AVERY, JR.,

DEPUTY SECRETARY.

## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts-Bay;*

HON. ARTEMAS WARD	}	ESQRS.	HON. OLIVER PRESCOT	}	ESQRS.
BENJAMIN GREENLEAF			JOSIAH STONE		
CALEB CUSHING			ABRAHAM FULLER		
THOMAS CUSHING			TIMOTHY DANIELSON		
JABEZ FISHER			SAMUEL NILES		
MOSES GILL			SAMUEL BAKER		
BENJAMIN WHITE			JOHN PITTS		
FRANCIS DANA <sup>2</sup>			NOAH GOODMAN		
TIMOTHY EDWARDS			AARON WOOD		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New-Plymouth;*

HON. WILLIAM SEVER	}	ESQRS.	HON. DANIEL DAVIS	}	ESQRS.
WALTER SPOONER			THOMAS DURFEE		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Main;*

HON. JEREMIAH POWELL, JOSEPH SIMPSON AND EDWARD CUTTS, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahoc and Nova-Scotia;*

HON. HENRY GARDNER, ESQ.

*For the State at large :—*

HON. NATHAN CUSHING AND HON. SAMUEL ADAMS, ESQRS.

<sup>1</sup> See Legislative Records of the Council, xxxix., 252-257. The Representatives or Deputies for this year have been taken from the House Journal (State Library copy), 1779.

<sup>2</sup> Chosen Delegate to the Continental Congress, Oct. 8, 1778.



## REPRESENTATIVES OR DEPUTIES.

May 26, 1779 to May 17, 1780.

HON. JOHN HANCOCK, ESQ., SPEAKER.

## COUNTY OF SUFFOLK.

<i>Boston</i> , . .	Hon. Samuel Adams, Esq.,
	Hon. John Hancock, Esq.,
	Caleb Davis, Esq.,
	Thomas Dawes, Esq.,
	Mr. Thomas Walley,
	William Tudor, Esq.,
	Samuel Austin, Esq.
<i>Roxbury</i> , . .	Capt. Joseph Williams.
<i>Dorchester</i> , .	Ebenezer Wales, Esq.
<i>Milton</i> , . .	Capt. Seth Sumner.
<i>Braintree</i> , .	Richard Cranch, Esq.
<i>Weymouth</i> , .	Solomon Lovell, Esq.
<i>Hingham</i> , . .	Mr. Joseph Thaxter, Jr.
<i>Dedham</i> , . .	Jonathan Metcalf, Esq.
<i>Medfield</i> , . .	Mr. Daniel Perry.
<i>Wrentham</i> , . .	Mr. Lemuel Kollock.
<i>Brookline</i> , .	Col. Thomas Aspinwall.
<i>Needham</i> , . .	Capt. Eleazer Kingsbury.
<i>Stoughton</i> , .	Elijah Dunbar, Esq.
<i>Stoughtonham</i> ,	Mr. Nathaniel Kingsbury.
<i>Medway</i> , . .	Elijah Clark, Esq.
<i>Walpole</i> , . .	Maj. Seth Bullard.
<i>Chelsea</i> , . .	Mr. Thomas Pratt.
<i>Franklin</i> , . .	Dr. John Metcalf.

## COUNTY OF ESSEX.

<i>Salem</i> , . .	Hon. John Pickering, Esq.,
	Capt. George Williams,
	Capt. Samuel Ward.
<i>Danvers</i> , . .	Col. Israel Hutchinson.
<i>Ipswich</i> , . .	Hon. Michael Farley, Esq.,
	Stephen Choate, Esq.
<i>Newbury</i> , . .	Moses Little, Esq.,
	Jacob Gerrish, Esq.
<i>Newbury Port</i> ,	Jonathan Greenleaf, Esq.,
	Stephen Cross, Esq.,
	Moses Frazier, Esq.,
	Jonathan Titcomb, Esq.,
	Theophilus Parsons, Esq.
<i>Marblehead</i> , .	Mr. Samuel Gatchel,
	Mr. Burrel Devereux,
	William Bacon, Esq.,
	Mr. Joshua Prentiss.
<i>Lynn</i> , . .	Capt. Holton Johnson.
<i>Andover</i> , . .	Mr. Samuel Phillips, Jr.,
	Samuel Osgood, Esq.

COUNTY OF ESSEX — *Concluded*.

<i>Beverly</i> , . .	Josiah Batchelder, Esq.,
	Jonathan Connant, Esq.
<i>Rowley</i> , . .	Capt. Benjamin Adams.
<i>Salisbury</i> , .	Maj. Joseph Page.
<i>Haverhill</i> , .	Jonathan Webster, Esq.
<i>Topsfield</i> , .	Mr. Zacheus Gould.
<i>Almsbury</i> , .	William Bayley, Esq.
<i>Bradford</i> , .	Daniel Thurston, Esq.
<i>Boxford</i> , . .	John Cushing, Esq.

## COUNTY OF MIDDLESEX.

<i>Cambridge</i> , .	Samuel Thatcher, Esq.
<i>Charlestown</i> , .	Nathaniel Gorham, Esq.
<i>Watertown</i> , .	Jonathan Brown, Esq.
<i>Woburn</i> , . .	Col. Loamm Baldwin.
<i>Concord</i> , . .	Maj. Joseph Hosmer.
<i>Newton</i> , . .	Mr. Thomas Parker.
<i>Reading</i> , . .	Benjamin Brown, Esq.
<i>Marlborough</i> , .	Mr. Simon Stow.
<i>Billerica</i> , . .	William Stickney, Esq.
<i>Framingham</i> , .	Mr. William Brown.
<i>Chelmsford</i> , .	Mr. Aaron Chamberlin.
<i>Sudbury</i> , . .	Capt. Jonathan Rice.
<i>Malden</i> , . .	Capt. Benjamin Blaney.
<i>Weston</i> , . .	Josiah Smith, Esq.
<i>Medford</i> , . .	Thomas Brooks, Esq.
<i>Westford</i> , . .	Capt. Joseph Reed.
<i>Waltham</i> , . .	Mr. Abner Saunderson.
<i>Groton</i> , . .	Hon. James Prescott, Esq.
<i>Holliston</i> , . .	Col. Abner Perry.

## COUNTY OF HAMPSHIRE.

<i>Springfield</i> , .	William Pynchon, Jr., Esq.,
	Col. Jonathan Hale.
<i>WestSpring-</i>	Mr. Jonathan White,
<i>field</i> . {	Maj. Benjamin Ely.
<i>Northampton</i> , .	Capt. Elijah Hunt,
	Mr. Caleb Strong.
<i>Southampton</i> , .	Capt. Timothy Clark.
<i>Hadley</i> , . .	Mr. Phineas Lyman.
<i>South Hadley</i> , .	Noah Goodman, Esq. <sup>1</sup>
<i>Amherst</i> , . .	Mr. John Billings,
	Mr. Ebenezer Mattoon,
	Jr.
<i>Granby</i> , . .	Capt. Phineas Smith.

<sup>1</sup> Chosen Councillor June 17, 1779.



COUNTY OF HAMPSHIRE — *Concluded.*

<i>Hatfield,</i>	. . . John Hastings, Esq.
<i>Westfield,</i>	. . . Capt. David Mosely, Maj. Warham Parks.
<i>Conway,</i>	. . . Lieut. Jonathan Whitney.
<i>Sunderland,</i>	. . . Capt. Noadiah Leonard.
<i>Montague,</i>	. . . Capt. Moses Harvey.
<i>Brimfield,</i>	. . . Mr. Joseph Moffat.
<i>Monson,</i>	. . . Mr. Benjamin Munn, Mr. Abel Goodell.
<i>Palmer,</i>	. . . Capt. David Spear.
<i>Granville,</i>	. . . Col. Timothy Robinson, Mr. Oliver Phelps.
<i>Colrain,</i>	. . . Capt. Hugh McLellan.
<i>Murrayfield,</i>	. . . Capt. Enoch Sheppard.
<i>Ashfield,</i>	. . . Mr. Jonathan Taylor.
<i>Worthington,</i>	. . . Mr. Jonathan Brewster.
<i>Southwick,</i>	. . . Mr. Abner Fowler.
<i>Norwich,</i>	. . . John Kirkland, Esq.
<i>Ludlow,</i>	. . . Dr. Aaron John Miller.

## COUNTY OF PLYMOUTH.

<i>Plymouth,</i>	. . . Hon. James Warren, Esq.
<i>Scituate,</i>	. . . Capt. Joseph Tolman.
<i>Duxbury,</i>	. . . George Partridge, Esq. <sup>1</sup>
<i>Marshfield,</i>	. . . Mr. Samuel Oakman.
<i>Bridgewater,</i>	. . . Oakes Angier, Esq., Maj. Josiah Hayden.
<i>Middleborough,</i>	. . . Mr. Benjamin Thomas.
<i>Rochester,</i>	. . . Col. Ebenezer White.
<i>Pembroke,</i>	. . . John Turner, Esq.
<i>Abington,</i>	. . . Mr. Samuel Pool.

## COUNTY OF BARNSTABLE.

<i>Sandwich,</i>	. . . Col. Nathaniel Freeman.
<i>Yarmouth,</i>	. . . David Thatcher, Esq., Jonathan Howes, Esq.
<i>Eastham,</i>	. . . Mr. Barnabas Freeman.
<i>Wellfleet,</i>	. . . Capt. Winslow Lewis.
<i>Chatham,</i>	. . . Mr. Joseph Howse.
<i>Harwich,</i>	. . . Solomon Freeman, Esq., Joseph Nye, Esq.
<i>Falmouth,</i>	. . . Maj. Joseph Dimuck.
<i>Truro,</i>	. . . Mr. Sylvanus Snow.

## COUNTY OF BRISTOL.

<i>Taunton,</i>	. . . Brig. Gen. George God- frey, Hon. Robert T. Paine, Esq.
<i>Rehoboth,</i>	. . . Mr. Ephraim Starkweather, Mr. Joseph Allyn.

COUNTY OF BRISTOL — *Concluded.*

<i>Swansey,</i>	. . . Capt. Phillip Slade, Mr. Israel Barney.
<i>Dartmouth,</i>	. . . Edward Pope, Esq.
<i>Norton,</i>	. . . Mr. Abraham White.
<i>Mansfield,</i>	. . . Capt. Abiel Clap.
<i>Attleborough,</i>	. . . Capt. Elisha May.
<i>Dighton,</i>	. . . Mr. Abiezer Phillips.
<i>Freetown,</i>	. . . Nathaniel Morton, 3rd.
<i>Raynham,</i>	. . . Capt. Israel Washburn.
<i>Easton,</i>	. . . Capt. James Perry.
<i>Berkley,</i>	. . . Capt. James Nichols.

## COUNTY OF YORK.

<i>York,</i>	. . . Col. Edward Grow.
<i>Kittery,</i>	. . . Edward Cutts, Esq., <sup>2</sup> John Frost, Esq.
<i>Wells,</i>	. . . Capt. Joshua Bragdon.
<i>Berwick,</i>	. . . Col. Joseph Prime.
<i>Pepperell-</i> <i>borough.</i>	} Thomas Cutts, Esq.

## COUNTY OF WORCESTER.

<i>Worcester,</i>	. . . Samuel Curtis, Esq.
<i>Lancaster,</i>	. . . Joseph Reed, Esq.
<i>Mendon,</i>	. . . Edward Rawson, Esq.
<i>Brookfield,</i>	. . . Hon. Jedediah Foster, Esq.
<i>Oxford,</i>	. . . Edward Davis, Esq.
<i>Charlton,</i>	. . . Mr. Caleb Ammidown.
<i>Sutton,</i>	. . . Amos Singletary, Esq.
<i>Leicester,</i>	. . . Maj. Seth Washburn.
<i>Spencer,</i>	. . . Mr. John Muzzy.
<i>Rutland,</i>	. . . Mr. John Fessenden.
<i>New Braintree,</i>	. . . Maj. Joseph Bowman.
<i>Westborough,</i>	. . . Dr. James Hawes.
<i>Northborough,</i>	. . . Mr. Paul Newton.
<i>Shrewsbury,</i>	. . . Mr. Ephraim Beaman.
<i>Lunenburg,</i>	. . . Mr. Stephen Gorham.
<i>Uxbridge,</i>	. . . Col. Nathan Tyler.
<i>Harvard,</i>	. . . Col. Josiah Whitney.
<i>Dudley,</i>	. . . Mr. Edward Davis.
<i>Barre,</i>	. . . Nathan Sparkhawk, Esq.
<i>Bolton,</i>	. . . Mr. Nathaniel Longley.
<i>Leominster,</i>	. . . Israel Nichols, Esq.
<i>Hardwick,</i>	. . . Mr. William Paige.
<i>Western,</i>	. . . Mr. Solomon Rich.
<i>Douglass,</i>	. . . Ezra Whitney, Esq.
<i>Grafton,</i>	. . . Mr. Joseph Batchelder.
<i>Petersham,</i>	. . . Jonathan Grout, Esq.
<i>Westminster,</i>	. . . Mr. Joseph Miller.
<i>Templeton,</i>	. . . Capt. Ezekiel Knowlton.
<i>Northbridge,</i>	. . . Mr. Jonathan Bacon.

<sup>1</sup> Chosen Delegate to the Continental Congress June 17, 1779.<sup>2</sup> Chosen Councillor June 24, 1779.



## COUNTY OF CUMBERLAND.

*North Yar-* } John Lewis, Esq.  
*mouth.* }  
*Gorham,* . . Col. Edmund Phinney.  
*Harpwell,* . . Capt. Isaac Snow.

## COUNTY OF LINCOLN.

*Vassalborough,* Capt. Abiel Lovejoy.  
*Warren,* . . Mr. Moses Copeland.

## COUNTY OF BERKSHIRE.

*Sheffield,* . . Col. John Ashley, Jr.,  
 Mr. Daniel Raymond.

COUNTY OF BERKSHIRE — *Concluded.*

*Great Bar-* } Mr. Jonathan Nash.  
*rington.* }  
*Stockbridge,* . Mr. Asa Bement.  
*Pittsfield,* . . Col. William Williams,  
 Capt. James Noble.  
*New Marl-* } Capt. Caleb Wright.  
*borough.* }  
*Tyringham,* . Col. Giles Jackson,  
 Capt. Ezekiel Herrick.  
*Sandisfield,* . Mr. Timothy Brown.  
*Becket,* . . Mr. Elisha Carpenter.



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-SIXTH DAY OF MAY, A.D. 1779.

## CHAPTER 1.

RESOLVE EMPOWERING THE TREASURER TO RECEIVE BILLS OF CREDIT, TAKEN OUT OF CIRCULATION, FROM CONSTABLES AND COLLECTORS OF TAXES ON OR BEFORE MAY 29TH, PROVIDED THEY TAKE OATH AS DIRECTED.

WHEREAS it is represented that there are divers Constables and Collectors who have sent Bills of Credit, of the Emissions taken out of Circulation, to the Treasurer of this State, in Discharge of the Taxes collected by them for the last Tax ordered to be assessed on the Inhabitants of this State, but have not sent therewith a Certificate as directed by a Resolve of the General Court of April 12, 1779, the same not having come to their Knowledge, for want of which the Treasurer is not authorized to receive them, whereby great Damage may accrue: Therefore

*Resolved*, That the Treasurer of this State be and he hereby is impowered and directed to receive into the Treasury on or before the 29th Day of May current, Bills of Credit, of the Emissions taken out of Circulation, sent by Collectors and Constables in Discharge of the Taxes collected by them; provided the Persons bringing and offering the same to the Treasurer do take the following Oath, viz:

You A. B. do solemnly swear that the Bills of Credit, now offered by you, are the same Bills which you received of C. D., Constable or Collector of Taxes for the Town of — for the present Year, and that he delivered them to you as the Bills received by him in Payment of the Taxes by him collected on the last Tax, and to be delivered by you to the Treasurer of this State on account of the same. So help you God.

Provided also, That nothing in this Resolve shall extend, or be construed to extend, to enable the Treasurer to receive any of the said Bills according to this Resolve, unless the same shall be offered to him in pursuance thereof on or before the said 29th Day of May. [*Passed May 28.*]

Legislative  
Records of the  
Council,  
xxxix., 257.  
Mass.  
Archives,  
ccxxii., 343.  
Mass.  
Resolves,  
May Session,  
chap. 8.

Province  
Laws, xx., 660,  
chap. 628.

## CHAPTER 2.

RESOLVES APPOINTING REV. SETH NOBLE MISSIONARY AT THE EASTWARD AT A SALARY OF £300, IN PLACE OF REV. SAMUEL DEANE.

WHEREAS the General Court of this State, by their Resolve of the 21st of April last, appointed the Rev. Samuel Deane a Missionary to preach the Gospel in those places of the Eastern Country of this State as are destitute of the same; and whereas the said Samuel Deane hath declined the Trust aforesaid: Therefore

Legislative  
Records of the  
Council,  
xxxix., 258.  
Mass.  
Archives,  
ccxxii., 336.



Mass.  
Resolves,  
May Session,  
chap. 1.

Mass.  
Archives,  
ccxxii., 337.  
Province  
Laws, xx., 682,  
chap. 681.

*Resolved*, That the Rev. Seth Noble, now resident in Boston, be and he hereby is appointed a Missionary to preach the Gospel in such places in said County [sic] as he, with the Ministers who are nearest to the Places destitute, shall judge best, and to continue in that Service until the last Day of October next, and no longer. And it is further

*Resolved*, That there be paid to the said Seth Noble, or his Order, the Sum of Three Hundred Pounds, to enable him to discharge the said Mission, One Hundred and fifty Pounds to be paid unto him at his Entrance upon the aforesaid Mission, and the Remainder to be paid to him at the End of the Term for which he shall be employed as aforesaid; provided the said Seth Noble shall enter upon the aforesaid Mission on or before the tenth Day of June next. [*Passed May 28.*]

## CHAPTER 3.

RESOLVE EXTENDING THE TIME FOR DRAWING IN THE BILLS OF CREDIT UNDER SIX SHILLINGS FROM JUNE 1<sup>st</sup> TO OCT. 1<sup>st</sup>, 1779.

Legislative  
Records of the  
Council,  
xxxix., 258.  
Mass.  
Archives,  
ccxxii., 335.  
Mass.  
Resolves,  
May Session,  
chap. 3.

Province  
Laws, v., 906,  
chap. 19; 995,  
notes.

WHEREAS in and by an Act intituled "An Act for drawing in the Bills of Credit of the several Denominations under Six Shillings bearing Date prior to the eighteenth of October, Anno Domini One Thousand seven Hundred and seventy-six, which have been issued by this Government, and still outstanding, for prohibiting the Currency of the same, as also for making and emitting Bills of public Credit for the Redemption thereof," it is provided that if the Possessor or Possessors of any of the Bills ordered by said Act to be taken out of Circulation, shall neglect to offer the same to the Treasurer to be exchanged by the first Day of June One Thousand seven Hundred and seventy-nine, all Right or Claim to the Redemption or Exchange of said Bills shall cease and determine: And whereas the Time for such Exchange is near elapsed, and many Persons possessed of such Bills may not have Opportunity to offer the same to be exchanged within said Time:

*Resolved*, That the Treasurer of this State be and he is hereby impowered and directed to receive of any Persons offering the same any of the Bills ordered to be drawn in by the aforesaid Act, and to give other Bills in exchange therefor, agreeably to the Directions of said Act, which shall be brought into the Treasury on or before the first Day of October next, any thing in said Act limitting the Time for receiving said Bills to be drawn in to the first Day of June 1779 notwithstanding. [*Passed May 28.*]

## CHAPTER 4.

VOTE CHOOSING JONATHAN METCALF AND OTHERS A COMMITTEE ON MUSTER ROLLS.

In the House of Representatives.

The House, by Ballot, made Choice of Jonathan Metcalf, Stephen Metcalf, and Ezra Sargent, Esquires, with such as the Honorable Board shall join, as a Committee to examine Muster-Rolls.

In Council

Read and Concurred and Abraham Fuller and Aaron Wood, Esquires are joined. [*Passed May 28.*]

Legislative  
Records of the  
Council,  
xxxix., 259.  
Mass.  
Archives,  
ccxxii., 338.  
Mass.  
Resolves,  
May Session,  
chap. 11.



## CHAPTER 5.

RESOLVE APPOINTING ANDREW HENSHAW, ONE OF THE CLERKS OF THE SUPERIOR COURT, TO COLLECT, ASSORT, FILE, AND PRESERVE IN HIS CUSTODY THE SCATTERED PAPERS OF THAT COURT.

WHEREAS the Original Papers belonging to the Clerk's Office of the Superior Court of Judicature, &c. of this State, lay unfiled and in great Disorder, in one or more of the upper Rooms of the State-House: And whereas it is of great Importance to the good People of this State, that the Papers aforesaid should be collected, assorted and filed, so that attested Copies of the same may be regularly obtained: Therefore

*Resolved*, That Mr. Andrew Henshaw of Boston, one of the Clerks of the same Superior Court, be and he hereby is appointed and authorised to collect the Papers aforesaid and to assort and file the same, and preserve the same in his Custody, as one of the Clerks aforesaid, and exhibit his Account of his said Services to the General Court for Allowance and Payment. [*Passed May 28.*]

Legislative  
Records of the  
Council,  
xxxix., 259.  
Mass.  
Archives,  
ccxii., 339.  
Mass.  
Resolves,  
May Session,  
chap. 2.

## CHAPTER 6.

RESOLVES APPOINTING, EMPOWERING, AND MAKING PROVISION FOR A COMMITTEE ON ACCOUNTS.

In the House of Representatives.

*Resolved*, That Loammi Baldwin, Richard Cranch, Seth Washburn, Ephraim Starkweather, Lemuel Kollock, Thomas Durfee and Jonathan Webster, Esquires, be a Committee on the Part of this House, whose Business it shall be, to receive and examine all Accounts, (not otherwise ordered) which are duly authenticated, for any Service done, or Expence incurred in consequence of any Order or Resolve of the General Court, and to allow so much thereon as shall appear to them to be reasonable and just, and the Doings of said Committee respecting such Accounts, or any four of them (who are hereby appointed a Quorum) shall be considered as valid, during the Recess as well as in the Sitting of the General Court, as any Vote or Resolve of this House. And said Committee shall keep a fair Record expressing the Names of the Persons whose Accounts they shall allow, the Towns they severally belong to, the Sums allowed to them respectively, and the Occasion of the Charge. It is further

*Resolved*, That the Honorable Council, or such Committee as they shall appoint on their Part, be and they hereby are empowered, both in the Sitting and Recess of the General Court, to concur all Accounts of the Nature beforementioned, that shall have been allowed by the Committee of the House as aforesaid, so far as shall appear to them just and reasonable and duly authenticated.

And the Secretary is hereby directed to keep all those Accounts, which shall be paid in pursuance of this Resolve, in separate Files, to be laid before the House for Inspection, when called for.

And the Council are hereby authorized to issue their Warrants, from Time to Time, on the Treasurer in favour of said Committee of Council, for such Sum or Sums of Money as they (the said Council) shall judge necessary for the Payment of such Accounts as is above discribed, provided the Amount of such Warrants shall not exceed the Sum of Thirty Thousand Pounds, said Com-

Legislative  
Records of the  
Council,  
xxxix., 261.  
Mass.  
Archives,  
ccxii., 340.  
Mass.  
Resolves,  
May Session,  
chap. 4.



mittee to be accountable for the Money they shall so receive. It is further

*Resolved*, That there be paid at the Expence of the State to those Members of this House who shall be of the Committee aforesaid, one Half of their Pay as Members of the House, for the Time they shall attend, while the General Court is Sitting.

In Council

Read and Concurred and Jabez Fisher, Benjamin White, and Daniel Davis, Esquires are joined. [*Passed May 28.*]

## CHAPTER 7.

Legislative  
Records of the  
Council,  
xxxix., 262.  
Mass.  
Archives,  
ccxxii., 342.  
Mass.  
Resolves,  
May Session,  
chap. 7.

RESOLVE PERMITTING GEN. HEATH TO FORWARD 5 CANNON TO HUDSON RIVER AGREEABLE TO REQUEST OF GEN. WASHINGTON.

*Resolved*, That Maj. Gen. [William]<sup>1</sup> Heath be and he hereby is permitted to forward from this State to the Highlands on Hudson's River, five heavy Cannon, which were lent to this State some Time since, agreeable to Gen. Washington's Request of the twelfth Instant. [*Passed May 28.*]

## CHAPTER 8.

RESOLVE GRANTING £27 TO DANIEL CRAY FOR SERVICES IN GEN. LOVELL'S BRIGADE AT RHODE ISLAND.

Legislative  
Records of the  
Council,  
xxxix., 262.  
Mass.  
Resolves,  
May Session,  
chap. 12.

ON THE PETITION of Daniel Cray, praying for Pay for himself, Horse and Carriage, while in the Service of Gen. [Solomon]<sup>2</sup> Lovell's Brigade, on the Rhode-Island Expedition, in the year Seventeen Hundred and seventy-eight.

*Resolved*, That there be allowed and paid out of the public Treasury of this State to Daniel Cray the Sum of Twenty-seven Pounds, in full of his Account. [*Passed May 28.*]

## CHAPTER 9.

RESOLVES REQUESTING THE COUNCIL TO ORDER A CARTEL FOR THE EXCHANGE OF PRISONERS. AND FOR A GUARD FOR THE PRISON SHIP IN BOSTON HARBOUR FROM THE CORPS OF ARTILLERY UNDER COMMAND OF LIEUT. COL. REVERE.

Legislative  
Records of the  
Council,  
xxxix., 263.  
Mass.  
Archives,  
ccxxii., 346.  
Mass.  
Resolves,  
May Session,  
chap. 5.

WHEREAS it has been represented to this Court that many of the Inhabitants of this State are Prisoners in the hands of the Enemy and are suffering the utmost hardships. Therefore

*Resolved*, That the Honorable Council be, and they are hereby requested, without delay, to order a Cartel Vessel or Vessels sufficient to send so many of the Prisoners, now in this State, as may be necessary for the exchange of the Inhabitants of this State, now Prisoners in New York or elsewhere, in the hands of the Enemy. And it is further

*Resolved*, That the Honorable Council be requested to order

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vii., 684.

<sup>2</sup> *Ibid.*, ix., 1010.



such a number of Men from the Corps of Artillery under the Command of Lieut. Col. [Paul]<sup>1</sup> Revere as they may judge necessary for the safe Guarding of the Prison Ship in the Harbour of Boston. [*Passed May 29.*<sup>2</sup>]

## CHAPTER 10.

### RESOLVE FOR LICENSING BENJAMIN PIPER TO KEEP A TAVERN IN CAMBRIDGE, TEMPORARILY.

UPON THE PETITION of Benjamin Piper of Cambridge, in the County of Middlesex, praying that two Justices of the Peace for said County, Quorum unus, may be authorized to license the said Benjamin Piper to keep a Tavern in the Town of Cambridge aforesaid, in the House where the said Benjamin Piper now lives, for the reasons set forth by the said Benjamin Piper in his petition aforesaid: Wherefore

*Resolved*, That Thaddeus Mason and Abraham Watson, Esquires, two of the Justices of the Peace for said County, Quorum unus, be and hereby are impowered to license the said Benjamin Piper to keep a Tavern in the House where he now lives, until the Court of General Sessions of the Peace shall be holden in said County of Middlesex in September next, the said Benjamin Piper recognizing before said Justices to keep good Order and Rule in his said House during the time aforesaid, in such Manner as Innholders are by Law directed to recognize. [*Passed May 29.*<sup>2</sup>]

Legislative  
Records of the  
Council,  
xxxix., 263.  
Mass.  
Archives,  
ccxxii., 347.  
Mass.  
Resolves,  
May Session,  
chap. 9.

Mass.  
Archives,  
ccxxii., 348.

## CHAPTER 11.

### RESOLVE FOR LICENSING PETER RICHARDSON TO KEEP A TAVERN IN CAMBRIDGE, TEMPORARILY.

UPON THE PETITION or Memorial of Henry Bowers jun., of Cambridge, in the County of Middlesex, Merchant, praying that two Justices of the Peace for said County, Quorum unus, may be authorized to license Peter Richardson to keep a Tavern in the Town of Cambridge, in the House the Memorialist has leased to the said Peter Richardson, for the Reasons set forth by the Petitioner:

*Resolved*, That Thaddeus Mason and Abraham Watson, Esquires, two of the Justices of the Peace for said County, Quorum unus, be and hereby are impowered to license the said Peter Richardson to keep a Tavern in the House where he now lives, until the Court of General Sessions of the Peace shall be holden in said County of Middlesex in September next, the said Peter Richardson recognizing before said Justices to keep good Order and Rule in his said House during the Time aforesaid, in such manner as Innholders are by Law directed to recognize. [*Passed May 29.*<sup>2</sup>]

Legislative  
Records of the  
Council,  
xxxix., 263.  
Mass.  
Archives,  
ccxxii., 349.  
Mass.  
Resolves,  
May Session,  
chap. 10.

Mass.  
Archives,  
ccxxii., 350,  
351.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xiii., 121.

<sup>2</sup> This date is May 28 according to Legislative Records of the Council and Massachusetts Resolves.



## CHAPTER 12.

Legislative  
Records of the  
Council,  
xxxix., 264.  
Mass.  
Archives,  
ccxxii., 355.  
Mass.  
Resolves,  
May Session,  
chap. 13.

Mass.  
Archives,  
ccxxii., 356,  
357.

RESOLVE GRANTING £13. 5s. 8d. TO ISAAC FRENCH IN FULL OF THE DOCTOR'S BILL FOR HIS SON.

ON THE PETITION of Isaac French, praying for Allowance for Doctoring and Nursing his Son, when sick, while in the Service of this State, as set forth in said Petition:

*Resolved*, That there be allowed and paid out of the Treasury of this State to Isaac French, the Sum of Thirteen Pounds five Shillings and eight Pence in full of the Doctor's Bill. [*Passed May 29.*]

## CHAPTER 13.

RESOLVE SUSPENDING THE SALE OF THE HOUSE OF SIR WILLIAM PEPPERRELL, BART., IN BOSTON, NOW OCCUPIED BY GEN. HEATH.

Legislative  
Records of the  
Council,  
xxxix., 264.  
Mass.  
Archives,  
ccxxii., 352.  
Mass.  
Resolves,  
May Session,  
chap. 14.

Province  
Laws, xx., 716,  
chap. 765.

WHEREAS the Estate of Sir William Pepperrell, Baronet, was among others ordered to be sold by a Committee appointed for that Purpose, and the Quarter-Master-General has represented to this Court that the Mansion-House, &c. of said Sir William Pepperrell, [in Summer St., Boston]<sup>1</sup> is in the Occupation of Maj. Gen. [William]<sup>2</sup> Heath, and that if said House is sold it is not in his Power to procure any other suitable House for the Accommodation of the General: Therefore

*Resolved*, That the Committee appointed as aforesaid be directed, and they are hereby accordingly directed, to suspend the Sale of said House, Out-Houses, &c. until the further Order of this Court; any Order or Resolution of this Court to the contrary notwithstanding. [*Passed May 29.*]

## CHAPTER 14.

RESOLVE PERMITTING GIDEON SMITH, A PRISONER AT GREAT BARRINGTON, TO RETURN TO HIS FAMILY AT STOCKBRIDGE ON GIVING SUFFICIENT BONDS.

ON THE PETITION of Gideon Smith, a Prisoner at Great Barrington, praying that he may be permitted to return to his Family at Stockbridge, for Reasons set forth in his Petition:

*Resolved*, That the Prayer thereof be granted, and that the said Gideon Smith be and he hereby is permitted to return to his Family, he giving sufficient Bonds to the Committee of Correspondence and Safety of said Stockbridge, that he will demean himself as a good and faithful Subject to this State. [*Passed May 31.*]

Legislative  
Records of the  
Council,  
xxxix., 265.  
Mass.  
Archives,  
ccxxii., 363.  
Mass.  
Resolves,  
May Session,  
chap. 16.  
Mass.  
Archives,  
ccxxii., 364.

<sup>1</sup> Massachusetts Archives, ccxxii., 353.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vii., 684.



## CHAPTER 15.

RESOLVE FOR SELLING ESTATES OF THE LATE GOVERNORS, SIR FRANCIS BERNARD, BART. AND THOMAS HUTCHINSON, ESQ., AND PEWS BELONGING TO ANY ABSENTEE.

IT BEING REPRESENTED to this Court that in the late Order of the General Court for the Sale of several confiscated Estates, a Lot of Land belonging to the Estate of the late Governor [Sir Francis] Bernard, [Bart.],<sup>1</sup> lying in the Town of Brookline, and also a Lot of Land in the Town of Braintree, belonging to the Estate of the late Governor [Thomas] Hutchinson, [Esq.],<sup>1</sup> were not included: Therefore

*Resolved*, That the Committee appointed to make Sale of the said Estates be and they hereby are directed to make Sale of the said Lots of Land at public Auction, at such Time as they may judge will be most for the public Interest, and the said Committee are further directed to make Sale of any Pews, or Rights in Pews, which may belong to any of the Estates they have been ordered to sell. [*Passed May 31.*]

Legislative  
Records of the  
Council,  
xxxix., 266.  
Mass.  
Archives,  
ccxxii., 362.  
Mass.  
Resolves,  
May Session,  
chap. 17.

Province  
Laws, xx.,  
716, chap. 765.

## CHAPTER 16.

RESOLVE GRANTING £26. 19s. 7d. TO NATHANIEL HEALY FOR MEDICINES, AND ATTENDANCE ON HIS SON STEPHEN HEALY BY DR. DANIEL FISK.

ON THE PETITION of Nathaniel Healy of Dudley, Praying for Allowance for Medicines and Attendance expended for his Son Stephen Healy, while a Soldier in the Service of this State at Rhode Island, who had Leave to come Home, for Reasons set forth in his Petition:

*Resolved*, That the Prayer of the Petition be granted, and that there be paid to Nathaniel Healy out of the public Treasury of this State, the Sum of Twenty-six Pounds, nineteen Shillings and seven Pence, in full of Doctor Daniel Fisk's Account, for Medicines and Attendance expended for his Son Stephen Healy; the said Sum to be charged to the Continent. [*Passed May 31.*]

Legislative  
Records of the  
Council,  
xxxix., 266.  
Mass.  
Resolves,  
May Session,  
chap. 15.

## CHAPTER 17.

RESOLVE GRANTING £14. 18s. TO PRESERVED BETTS, WOUNDED AT FORT EDWARD.

ON THE PETITION of Preserved Betts, praying for Allowance for the Time and Expence he was at, upon receiving a Wound at Fort Edward in his Knee:

*Resolved*, That there be allowed and paid out of the public Treasury of this State to Preserved Betts, Fourteen Pounds, eighteen Shillings, in full for his Account, the said Sum to be charged to the Continent. [*Passed May 31.*]

Legislative  
Records of the  
Council,  
xxxix., 266.  
Mass.  
Resolves,  
May Session,  
chap. 18.

<sup>1</sup> Massachusetts Archives, ccxxii., 257.



## CHAPTER 18.

RESOLVE GRANTING £1,300 FOR BREAD AND OTHER STORES, 1,000 WEIGHT OF RICE, AND 17 BARRELS OF BEEF TO JABEZ MEIGS, COMMISSARY AT FALMOUTH.

Legislative  
Records of the  
Council,  
xxxix., 268.  
Mass.  
Archives,  
ccxxii., 368.  
Mass.  
Resolves,  
May Session,  
chap. 20.

Mass.  
Archives,  
ccxxii., 369.

UPON THE MEMORIAL of Jabez Meigs, Commissary of the Troops stationed at Falmouth, in the County of Barnstable, praying for Provision or some Means to enable him to subsist the said Troops:

*Resolved*, That there be paid out of the Treasury of this State to the said Jabez Meigs, to enable him to purchase Bread and other Stores for said Troops, the Sum of Thirteen Hundred Pounds; and also that the Commissary-General of this State be and he is hereby directed to deliver to the said Jabez Meigs, for the above Purposes, One Thousand Weight of Rice and Seventeen Barrels of Beef. The said Commissary to account with the General Assembly of this State for the Expenditure of the same. [*Passed June 1.*]

## CHAPTER 19.

RESOLVE FOR ALLOWING COMPENSATION TO TOWNS AND PLANTATIONS THAT GAVE BOUNTIES OF £14 TO THE MEN RAISED BY A RESOLVE OF JUNE 12, 1778, IF RETURNS ARE LODGED IN THE SECRETARY'S OFFICE BEFORE SEPT. 1ST.

Legislative  
Records of the  
Council,  
xxxix., 268.  
Mass.  
Archives,  
ccxxii., 365.  
Mass.  
Resolves,  
May Session,  
chap. 19.

Province  
Laws, xx., 411,  
chap. 55; 503,  
chap. 211.

WHEREAS it appears to this Court that several Towns and Plantations were not properly notified of the Resolve, which passed the Great and General Court of this State the 3d of October 1778, pointing out the Method of making Returns of those Men who were detached agreeable to a Resolve of said Court passed June 12th 1778, and that Returns, which were actually made by some Towns and Plantations agreeable to said Resolve, were mislaid in the Secretary's Office, or otherwise Miscarried, by Reason of which those Towns and Plantations have been deprived of having the Bounty, given by them to each Soldier, deducted out of the last State Tax, agreeable to said Resolve of June the 12th: Therefore, that Justice may be done to such Towns and Plantations:

*Resolved*, That the Selectmen of such Towns, and Committees of such Plantations, make out a Return under Oath of all the Men raised in their respective Towns and Plantations, agreeable to said Resolve of June the 12th, to whom they paid a Bounty of Fourteen Pounds, and lodge the same in the Secretary's Office before the first Day of September next, that the same may be examined, and whatever shall on such Examination, be found justly due to such Towns or Plantations shall be deducted out of the next Tax that shall be assessed on such Towns or Plantations, after such Examination. [*Passed June 1.*]



## CHAPTER 20.

RESOLVE DIRECTING ABNER ELLIS, AGENT FOR CLOTHING, TO  
PAY TEAMSTERS SIX SHILLINGS PER MILE.

ON THE PETITION of Abner Ellis, Agent for providing Cloathing for the Continental Army, shewing that he hired a Number of Teams to transport Cloathing to Head-Quarters, who when arrived at Head-Quarters, were ordered by the Commissary to transport said Cloathing back eighty Miles, and praying for Allowance for the same: Therefore

*Resolved*, That the said Abner Ellis be and he is hereby directed to Pay each and every of the Drivers of the aforesaid Teams Six Shillings per Mile, for transporting said Cloathing back eighty Miles, and lay his Accounts before this Court for Allowance for the same. [*Passed June 2.*<sup>1</sup>

Legislative  
Records of the  
Council,  
xxxix., 269.  
Mass.  
Archives,  
ccxxii., 406.  
Mass.  
Resolves,  
May Session,  
chap. 21.

Mass.  
Archives,  
ccxxii., 407,  
408.

## CHAPTER 21.

RESOLVES RESPECTING THE FLAG OF TRUCE, COMMANDED BY  
CAPT. THOMAS WYER, LATELY ARRIVED AT FALMOUTH, PER-  
MITTING ELIZABETH ROSS AND OTHERS TO GO TO NEW YORK  
IN HER, AND DECLARING THAT IN THE FUTURE NO FLAGS WILL  
BE PERMITTED TO COME TO ANY PORT EXCEPT BOSTON.

THE COMMITTEE of both Houses appointed to Consider the  
letter from the Committee of Falmouth, with the Same, report  
the following Resolves, which are Submitted

WILLIAM SEVER per Order

*Resolved*, That the Council of this State be and hereby are requested to take effectual Care that the Vessel commanded by Capt. [Thomas]<sup>2</sup> Wyer, which lately arrived at Falmouth [Cumberland County]<sup>3</sup> as a Flag of Truce from New York, be directed, as soon as may be, to depart with the several Persons, who by a Resolve of the General Assembly of this State, have been permitted to go to New York; and that the Council be also requested to direct the Commissary of Prisoners within this State to inform the British Commissaries of Prisoners at New York, Nova Scotia and Newport, that in future, no Flags from thence will be permitted to come to any Port within this State, except the Port of Boston, and addressed to the supreme executive Authority, Commanding Officer of the Continental Troops, or Commissary of Prisoners within this State.

*Resolved*, That Elizabeth Ross be and she is hereby permitted to depart this State for New York in the Flag of Truce commanded by Capt. [Thomas] Wyer, with her Effects, and that she be not permitted to return, without Leave obtained from the General Assembly or, in the Recess, from the Council of this State.

Read and Accepted. [*Passed June 2.*

Legislative  
Records of the  
Council,  
xxxix., 270.  
Mass.  
Archives,  
ccxxii., 394.  
Mass.  
Resolves,  
May Session,  
chap. 28.

Mass.  
Archives,  
ccxxii., 396.

<sup>1</sup> This date is June 1 according to Massachusetts Resolves.

<sup>2</sup> Massachusetts Archives, ccxxii., 396.

<sup>3</sup> *Ibid.*, ccxxii., 398.



## CHAPTER 22.

RESOLVE DIRECTING THE BOARD OF WAR TO MAKE ALLOWANCE TO JOSEPH HUSE AND OTHERS FOR IRON WORK ON THE STATE SHIP BUILDING AT NEWBURYPORT.

Legislative  
Records of the  
Council,  
xxxix., 271.  
Mass.  
Archives,  
ccxxii., 411.  
Mass.  
Resolves,  
May Session,  
chap. 24.

Mass.  
Archives,  
ccxxii., 411;  
cclxxxv., 28.

ON THE PETITION of Joseph Huse and others, setting forth, that by their Agreement made in October last with Jonathan Greenleaf, Esq., and Messieurs Stephen and Ralph Cross, Agents to the Board of War, to do the large Iron-Work for the State-Ship building at Newbury Port, at the Price agreed on, they must be very great Sufferers, in consequence of the advance price of Labour, &c. and praying they may have a suitable Allowance for their Labour:

*Resolved*, That the Board of War be and they are hereby empowered and directed to make such Allowance to the said Huse and others, the Petitioners, for the large and small Iron-Work they have done since the last Day of December last, or may hereafter do for said Ship, as to the Board of War may appear reasonable, the aforesaid Agreement made in their behalf with the Petitioners notwithstanding. [*Passed June 2.*]

## CHAPTER 23.

Legislative  
Records of the  
Council,  
xxxix., 271.  
Mass.  
Archives,  
ccxxii., 390.  
Mass.  
Resolves,  
May Session,  
chap. 25.

Mass.  
Archives,  
ccxxii., 391.  
Province Laws,  
xx., 587, chap.  
446.

RESOLVE EXTENDING THE RESOLVE OF THE 6<sup>TH</sup> OF FEBRUARY TO ALL OFFICERS AND SOLDIERS SERVING IN THE FIFTEEN BATTALIONS THOUGH THEY BE FOREIGNERS OR INHABITANTS OF ANY OTHER OF THE UNITED STATES.

ON THE PETITION of Col. Rufus Putnam, praying the same Provision should be made for the Officers and Soldiers serving in the fifteen Battalions raised by this State, who were not Inhabitants thereof, as was made to the Inhabitants of this state by a Resolve passed in February last:

*Resolved*, That the Resolve passed the sixth Day of February last be extended to all Officers and Soldiers serving in the fifteen Battalions aforesaid and continuing therein, agreeable to said Resolve, although they be Foreigners or Inhabitants of any other of the United States. [*Passed June 2.*]

## CHAPTER 24.

RESOLVE DIRECTING THE TREASURER TO RECEIVE MONEY OF THE STATE LOTTERY UNTIL JUNE 5<sup>TH</sup>.

Legislative  
Records of the  
Council,  
xxxix., 271.  
Mass.  
Archives,  
ccxxii., 393.  
Mass.  
Resolves,  
May Session,  
chap. 25.

Province  
Laws, xx., 713,  
chap. 758.

*Resolved*, that the Hon. Henry Gardner Esq. Treasurer, receive of the Committee of the State Lottery any Money said Committee have on Hand, or any they may take for State Tickets, until the fifth Day of June next. [*Passed June 2.*]



## CHAPTER 25.

RESOLVE EMPOWERING NATHANIEL GORHAM, ESQ., AGENT, TO LEASE DR. SYLVESTER GARDINER'S ESTATE BY PRIVATE CONTRACT FOR SHORT TERMS ONLY.

WHEREAS Nathaniel Gorham, Esq. Agent on the Estate of Dr. Sylvester Gardiner, was by his Absence on public Business necessarily prevented from leasing the said Estate at the Time prescribed by the Resolutions of the General Assembly of this State on the 17th Day of February last; and whereas, under the present Circumstances of that Estate, it may be more advantageous to the Public that it should be leased for a shorter Time and in a different Manner: Therefore

*Resolved*, That Nathaniel Gorham Esq., Agent as aforesaid, be and hereby is impowered and directed to lease the said Estate by private Contract, at his Discretion, in the most advantageous Manner he can, from Time to Time, for three Months only, till the further Order of this Court, any Resolve of the General Assembly to the Contrary notwithstanding. [*Passed June 2.*]

Legislative  
Records of the  
Council,  
xxxix., 272.  
Mass.  
Archives,  
ccxii., 389.  
Mass.  
Resolves,  
May Session,  
chap. 22.

Province  
Laws, xx., 620,  
chap. 532.

## CHAPTER 26.

RESOLVE LIBERATING DAVIS HATCH, BENJAMIN PROCTER, AND JOHN BUTLER FROM BOSTON GAOL, ON GIVING SUFFICIENT BONDS.

THE COMMITTEE to whom was referred the Petitions of Davis Hatch, Benjamin Procter, and John Butler, now Prisoners in the Gaol in this Town, praying that a special Court may be appointed for their Trial, or that they may be enlarged upon giving sufficient Bail, having taken the same petitions into Consideration, and enquired into the subject matter thereof, beg leave to report the following

*Resolved*, That Davis Hatch, Benjamin Procter, and John Butler, who stand committed to the Gaol in Boston by Warrant of the Council of this State; be liberated from their Imprisonment in virtue of said Warrant, upon their severally entering into Recognizances with good and sufficient Sureties, in the sums hereinafter mentioned, for their Appearance at the Superior Court of Judicature, &c. next to be holden at Boston, in and for the County of Suffolk, then and there to make Answer to such Matters and Things as shall be objected against them, and not to depart without Licence of that Court, and in the mean time to be of the Peace and good Behaviour, and particularly that they hold not any Correspondence or Intercourse with the Enemies of the United States of America, that the said Davis Hatch and Benjamin Procter severally enter into Recognizance as aforesaid in the Sum of Three Thousand Pounds for themselves, and their Sureties in the Sum of Fifteen Hundred Pounds each, and that the said John Butler enter into Recognizance as aforesaid in the Sum of Five Hundred Pounds for himself, and his Sureties in the Sum of Two Hundred and fifty Pounds each.

Read and Accepted. [*Passed June 2.*]

Legislative  
Records of the  
Council,  
xxix., 272.  
Mass.  
Archives,  
ccxii., 370.  
Mass.  
Resolves,  
May Session,  
chap. 23.

Mass.  
Archives,  
ccxii., 372-383.  
Province  
Laws, xx., 673,  
chap. 638.



## CHAPTER 27.

## RESOLVE PERMITTING JOSHUA WINSLOW, ESQ., TO GO TO NOVA SCOTIA.

Legislative  
Records of the  
Council,  
xxxix., 273.  
Mass.  
Archives,  
ccxxii., 385.  
Mass.  
Resolves,  
May Session,  
chap. 30.

Mass.  
Archives,  
ccxxii., 386.

THE COMMITTEE of both Houses on the petition of Joshua Winslow, Esq. have attended the Service Assigned them and report the following Resolve which is Submitted

WILLIAM SEVER per Order

*Resolved*, That Joshua Winslow, Esq. of Marshfield, be permitted to leave this State and proceed to Nova Scotia for the Purposes in his Petition mentioned, but that he be not at Liberty to return without leave from the General Assembly, or in the Process of the Court, of the Council of this State.

Read and Accepted. [*Passed June 2.*]

## CHAPTER 28.

## VOTE CHOOSING FIELD OFFICERS OF THE 8TH REGIMENT IN WORCESTER COUNTY.

Legislative  
Records of the  
Council,  
xxxix., 273.  
Mass.  
Archives,  
ccxxii., 387.  
Mass.  
Resolves,  
May Session,  
chap. 29.

In the House of Representatives

The House, by Ballot, made Choice of the following Gentlemen as Field-Officers of the eighth Regiment of Militia in the County of Worcester. viz.

Josiah Carter . . . . .	Colonel
John Rand . . . . .	Lieutenant Colonel
Ebenezer Bridge . . . . .	First Major
Joseph Bellows . . . . .	Second Major

In Council

Read and Concurred. [*Passed June 2.*]

## CHAPTER 29.

Legislative  
Records of the  
Council,  
xxxix., 274.  
Mass.  
Archives,  
ccxxii., 412.  
Mass.  
Resolves,  
May Session,  
chap. 27.

Mass.  
Archives,  
ccxxii., 413.

## RESOLVE ACCEPTING THE RESIGNATION OF HON. TIMOTHY EDWARDS, ESQ., DELEGATE TO THE CONTINENTAL CONGRESS.

WHEREAS the Hon. Timothy Edwards, Esq. has signified to this Court his Desire of being excused from serving as a Delegate to represent this State in Congress the Present Year: Therefore

*Resolved*, That the Resignation of the Hon. Timothy Edwards, Esq. as Delegate for this State in the Continental Congress, be and hereby is accepted. [*Passed June 2.*]

## CHAPTER 30.

## VOTE ACCEPTING REPORT ON COL. SHEPARD'S LETTERS REGARDING GEN. GLOVER'S BRIGADE.

Legislative  
Records of the  
Council,  
xxxix., 273.  
Mass.  
Archives,  
ccxxii., 429.

THE COMMITTEE of both Houses to whom was referred the Letters of Col. [William]<sup>1</sup> Shepard, have considered the same, and are of opinion that his Complaint in regard to the Officers in the New Arrangement, is without foundation, as your Committee do

<sup>1</sup> Massachusetts Archives, ccxxii., 431.



not find but one Officer in the Returns made, that is mentioned as being of the New Arrangement, and that he has received his Moiety agreeably to the Resolve. As to the Request, that the whole Sum granted, might be paid at this time in one Note, your Committee are of opinion that as the other Moiety will soon become due, it will not be expedient to supersede the Resolve of the Sixth of February last. The Request of Col. Shepard respecting the Chaplain in Brigadier [John]<sup>1</sup> Glover's Brigade has been complied with by the Resolve passed this Day on the Petition of Col. Rufus Putnam.

Mass.  
Archives,  
ccxxii., 430,  
432.

all which is humbly Submitted

SAMUEL NILES by Order

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed June 3.*]

## CHAPTER 31.

VOTES APPOINTING COMMITTEE TO SET OFF PART OF WALPOLE TO DEDHAM IF THEY THINK IT REASONABLE, AT THE CHARGE OF THE PETITIONERS.

THE COMMITTEE of both Houses, on the Petition of Joseph Richards and others, Inhabitants of the Town of Walpole, praying that they, with their Families and Estates, may be set off from the said Town of Walpole to the Town of Dedham, there to do Duties and receive Privileges, have examined the Petition, the Answer thereto, and heard the Parties, and are unanimously of Opinion, that a Committee be appointed to repair to the said Town of Walpole, view the Premises, hear the Parties and if they shall think it reasonable, that the Petitioners should be set off from Walpole to the Town of Dedham, then to draw the dividing Line, first giving seasonable Notice to the Parties of the Time and Place of their Meeting, and report to this Court their Doings, the Charges of the Committee to be borne by the Petitioners.

Legislative  
Records of the  
Council,  
xxxix., 274.  
Mass.  
Archives,  
ccxxii., 418.  
Mass.  
Resolves,  
May Session,  
chap. 35.

Mass.  
Archives,  
ccxxii., 420-  
423.

AARON WOOD per Order.

In Council Read and Accepted

In the House of Representatives, Read and Concurred and Capt. [Elisha]<sup>2</sup> May and Mr. [Lemuel]<sup>3</sup> Kollock with such as the Honourable Board shall join are appointed a Committee for the purpose abovementioned.

In Council Read and Concurred and Jabez Fisher Esq. is joined.  
[*Passed June 3.*]

## CHAPTER 32.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY THE COMMISSARY AT DARTMOUTH WITH 600 WEIGHT OF RICE IN LIEU OF BREAD, AND GRANTING HIM £600 ADDITIONAL TO PURCHASE OTHER PROVISIONS.

ON THE REPRESENTATION of the Commissary appointed to supply the Troops stationed at Dartmouth:

Legislative  
Records of the  
Council,  
xxxix., 275.

*Resolved*, That the Board of War be and they hereby are re-

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vi., 508.

<sup>2</sup> Of Attleborough.

<sup>3</sup> Of Wrentham.



Mass.  
Archives,  
ccxxii., 435.  
Mass.  
Resolves,  
May Session,  
chap. 31.

Mass.  
Archives,  
ccxxii., 436,  
437; cclxxxv.,  
29. Province  
Laws, xx., 660,  
chap. 627.

quired forthwith to supply said Commissary with Six Hundred Weight of Rice, for the Use of said Troops, in lieu of Bread, if they have that Quantity on Hand, if not the said Board of War be and they hereby are required to apply to Maj.-Gen. [William]<sup>1</sup> Heath for the Loan of said Quantity of Rice, out of the Rice now at Dartmouth, belonging to this Continent, and that there be paid out of the public Treasury of this State the Sum of Six Hundred Pounds to said Commissary, in addition to Three Hundred Pounds already granted him by a Resolve of the General Court of this State, passed the tenth of April last, each of said Sums for the purpose of enabling said Commissary to purchase other Provisions for supplying said Detachment; said Commissary to be accountable to this Court for the Expenditure of said Rice and Money. [*Passed June 3.*]

## CHAPTER 33.

RESOLVE EMPOWERING SELECTMEN TO IMPRESS TEAMS AND CARRIAGES OF TEAMSTERS NEGLECTING TO CONVEY STORES TO SPRINGFIELD, PROVIDE DRIVERS FOR THE SAME, AND ADDITIONAL TEAMS IF NEEDED.

Legislative  
Records of the  
Council,  
xxxix., 275.  
Mass.  
Archives,  
ccxxii., 438.  
Mass.  
Resolves,  
May Session,  
chap. 38.

Province  
Laws, xx., 683,  
chap. 683.

WHEREAS it hath been represented to this Court that many Teamsters who lately took loads of Shoes, Stockings, Blankets and other Articles from the public Stores in the Town of Boston, for the Use of the Army, have stopped at their own Houses, and cannot be prevailed upon to go with that Expedition which the Service requires: Therefore

*Resolved*, That the Selectmen in the several Towns in this State, in which any Teamster carrying Cloathing or Stores to Springfield, for the Use of the Army, shall stop and unreasonably delay to forward said Stores he has undertaken to convey, be and they hereby are impowered and directed to impress the Teams and Carriages belonging to such Teamsters and provide Drivers for the same; and where the Teams so stopped are not able to perform the Journey, then to impress such Teams as are sufficient, and commit them to the Conductor appointed to take the Charge of the same, and bring the Account of their Expences and Services to the Committee on Accounts for Allowance, as directed by a Resolve of the first of May 1779. [*Passed June 3.*]

## CHAPTER 34.

RESOLVE INCREASING PENSIONS OF WILLIAM SNELL AND NATHANIEL CONANT, UNTIL FURTHER ORDER, ON ACCOUNT OF INCREASED PRICES OF PROVISIONS AND EVERY OTHER NECESSARY OF LIFE.

Legislative  
Records of the  
Council,  
xxxix., 276.  
Mass.  
Archives,  
ccxxii., 415.  
Mass.  
Resolves,  
May Session,  
chap. 36.

Mass.  
Archives,  
ccxxii., 416,  
417. Province  
Laws, xix., 88,  
chap. 207; 246,  
chap. 600.

ON THE PETITION of William Snell and Nathaniel Conant, praying for a larger Sum to be allowed them as a yearly Pension than what was granted them by a Resolve of a former General Court, on account of the increased high Price of Provisions and every other Necessary of life:

*Resolved*, That there be allowed and paid to the said William Snell, Thirty-two Pounds yearly for his Support; and to the said Nathaniel Conant, Twelve Pounds yearly for his Support: said yearly pension to Commence the third Instant, and continue till further Order of the General Court. [*Passed June 3.*]

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vii., 684.



## CHAPTER 35.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY SAMUEL FREEMAN, ESQ., CLERK OF THE HOUSE OF REPRESENTATIVES, WITH CLOTH, ETC. FOR A SUIT OF CLOTHES, IN PART PAYMENT OF HIS SALARY, TAKING TRIPPLICATE RECEIPTS.

ON THE REPRESENTATION of Samuel Freeman, Esq. setting forth that he has been able to obtain only a small Part of the Sum granted him the last Year as Clerk of the House of Representatives, and praying that the Board of War may be directed to furnish him with Materials for a Suit of Cloaths, to be considered as Part of said Grant:

*Resolved*, That the Board of War be and they are hereby directed to furnish the said Samuel Freeman, Esq. with Cloth and other Articles sufficient for a Suit of Cloaths, at a reasonable Price, the Amount thereof to be considered as in part discharge of the Warrant for the Sum granted him as aforesaid, and that they take triplicate Receipts therefor, one of which to be lodged in the Secretary's Office and one in the Treasurer's Office. [*Passed June 3.*]

Legislative  
Records of the  
Council,  
xxxix., 276.  
Mass.  
Archives,  
ccxxii., 439.  
Mass.  
Resolves,  
May Session,  
chap. 39.  
Mass.  
Archives,  
ccxxii., 440.  
Province  
Laws, xx., 598,  
chap. 483.

## CHAPTER 36.

RESOLVE REFUSING QUIET POSSESSION TO TIMOTHY RUGGLES OF HIS FATHER'S ESTATE IN HARDWICK, BUT GRANTING SAME RENT FREE UNTIL FURTHER ORDER, UNLESS THE ESTATE PROVE INSOLVENT.

ON THE PETITION of Timothy Ruggles, praying that he may be quieted in the Possession of about Sixty Acres of Land and Buildings, which his Father bought of Isaac Thomas, where he now dwells in Hardwick, for Reasons in his Petition mentioned:

*Resolved*, That the Demand which this Government has against him for the Improvement of the Premises, for the Time past, be remitted to him; but as the Debts of his Father remain unsettled, this Court do not think proper to make an Order for the quieting him in Possession of the Premises finally. Nevertheless, that he have Liberty to continue on the Premises and occupy and receive the Profits thereof, Rent-free, unless the Estate shall prove insolvent, until the further Order of the General Court. [*Passed June 3.*]

Legislative  
Records of the  
Council,  
xxxix., 277.  
Mass.  
Archives,  
ccxxii., 441.  
Mass.  
Resolves,  
May Session,  
chap. 32.  
Mass.  
Archives,  
ccxxii., 442.

## CHAPTER 37.

VOTE CHOOSING JOHN BRIDGE SECOND MAJOR OF THE 3RD REGIMENT IN MIDDLESEX COUNTY.

In the House of Representatives

The House, by Ballot, made Choice of Mr. John Bridge, as Second Major of the third Regiment of Militia in the County of Middlesex.

In Council

Read and Concurred. [*Passed June 3.*]

Legislative  
Records of the  
Council,  
xxxix., 277.  
Mass.  
Archives,  
ccxxii., 443.  
Mass.  
Resolves,  
May Session,  
chap. 33.



## CHAPTER 38.

RESOLVE DIRECTING ISSUANCE OF A NEW STATE NOTE, DATED MAY 21, 1777, TO JOSEPH KINGSBURY, SON OF PHEBE GAY, TO REPLACE ONE LOST BY FIRE.

Legislative  
Records of the  
Council,  
xxxix., 277.  
Mass.  
Archives,  
ccxxii., 447.  
Mass.  
Resolves,  
May Session,  
chap. 37.

Mass.  
Archives,  
ccxxii., 448, 449.

ON THE PETITION of Phebe Gay,<sup>1</sup> in behalf of her son Joseph Kingsbury, an Infant, setting forth that Jeremiah Kingsbury, jun., Guardian to the said Joseph, had in his Possession a Note signed by Henry Gardner, Esq., Treasurer of this State, to Nathan Smith for Ten Pounds eight Shillings, which Note was the Property of the said Joseph, and that it was lost by Fire when the said Jeremiah's House was burnt the 21st of May 1777, and prays the Interposition of this Court:

*Resolved*, That Henry Gardner, Esq., Treasurer of this State, be and he hereby is directed to give another Note for the same Sum of Ten Pounds eight Shillings to the said Joseph Kingsbury, bearing Date May 21, 1777, on Interest, in full for that which was lost as aforesaid, payable May 21, 1780. [*Passed June 3.*]

## CHAPTER 39.

RESOLVES DISCHARGING THE TREASURER OF £337,249. 19s. DULY BURNT, AND OF A DEFICIENCY OF £128. 16s. CAUSED BY HURRY AND MISTAKES OF SOME OF HIS EXTRA CLERKS.

Legislative  
Records of the  
Council,  
xxxix., 278.  
Mass.  
Archives,  
ccxxii., 445.  
Mass.  
Resolves,  
May Session,  
chap. 34.

Mass.  
Archives,  
ccxxii., 444.  
Province  
Laws, xx., 599,  
chap. 487.

THE COMMITTEE of both Houses appointed the Ninth of February last, to examine and take Account of the Bills of Credit emitted by this State of Six Shillings and upwards, which were ordered to be called in, and for which Notes were ordered to be given, and to report to the Court the Amount of the same and of the Notes given therefor, and to burn said Bills when examined as aforesaid, first giving the Treasurer a Receipt for the same, having carefully examined every Bundle of Money shewed them by the Treasurer, counted every Bill, corrected every Error, beg Leave to report the following State of Facts, viz. That Henry Gardner, Esq. Treasurer of this State, has agreeable to the Orders of Court, issued his Notes to sundry Persons mentioned in his Book kept for that Purpose to the Amount of Three Hundred and thirty-seven Thousand Three hundred and seventy-eight Pounds fifteen Shillings, payable in March 1781 and 1782, for which said Treasurer has exhibited only Three hundred and thirty-seven Thousand Two hundred and forty-nine Pounds nineteen Shillings in said Paper Currency, which last Sum your Committee have actually burnt, and a Balance of One hundred and twenty-eight Pounds sixteen Shillings is now due from the Treasurer being a Deficiency unaccounted for; which Deficiency your Committee apprehend arises as well from the great Hurry in which the Treasurer was obliged to receive in the Money, as from Inadvertence in some of his Extra Clerks in reducing Dollars into Pounds, your Committee apprehend that as the Government nor Treasurer are ever likely to be benefited by said Deficiency, that it would be expedient that the Treasurer should be discharged of the said Sum of One Hundred and twenty-eight Pounds, sixteen Shillings.

All which is humbly submitted

MOSES GILL per Order.

<sup>1</sup> Legislative Records of the Council, xxxix., 277, reads erroneously Gray; the name is Gay. — See Massachusetts Archives, ccxxii., 449.



The foregoing Report, being read, is hereby accepted, Whereupon

*Resolved*, That Henry Gardner, Esq. be and he hereby is discharged of the aforesaid Sum of Three Hundred and thirty-seven Thousand, Two Hundred and forty-nine Pounds, Nineteen Shillings, which has been burnt as above mentioned. Also

*Resolved*, That he be and he hereby is discharged of the Sum of One Hundred and twenty-eight Pounds, Sixteen Shillings, being a Deficiency unaccounted for, as in said Report is set forth. [*Passed June 3.*]

## CHAPTER 40.

### RESOLVES ADDING MEMBERS TO COMMITTEE ON ACCOUNTS.

WHEREAS it is necessary that an additional Member should be made to the Committee of Accounts:

*Resolved*, That Samuel Osgood, Esq. be and he hereby is added to said Committee. Also

*Resolved*, That Maj. Joseph Hosmer be of the said Committee, in the room of Thomas Durfee, Esq. chosen a Councillor. [*Passed June 4.*]

Legislative  
Records of the  
Council,  
xxxix., 279.  
Mass.  
Archives,  
ccxxii., 461.  
Mass.  
Resolves,  
May Session,  
chap. 42.  
Ante, p. 9,  
chap. 6.

## CHAPTER 41.

### RESOLVE PERMITTING MARY HARROD TO GO TO NEW YORK, BY WAY OF RHODE ISLAND.

ON THE PETITION of Mary Harrod, praying for Liberty to go to New York:

*Resolved*, That the Prayer of said Petition be granted, and that the said Mary Harrod be and she hereby is permitted to go from this State, to the City of New-York, by the Way of Rhode-Island, and to carry with her one Trunk, containing only her necessary Apparel, subject to Examination by the Committee of Safety of the Town to which said Mary belongs, who are to prevent her conveying any unfriendly Information to the Enemy by Letters, and that she be not permitted to return again to this State. [*Passed June 4.*]

Legislative  
Records of the  
Council,  
xxxix., 279.  
Mass.  
Archives,  
ccxxii., 459.  
Mass.  
Resolves,  
May Session,  
chap. 44.  
Mass.  
Archives,  
ccxxii., 460.

## CHAPTER 42.

### RESOLVE CORRECTING ERROR OF £97. 14s. 3d. IN TAXES OF HARWICH AND EASTHAM.

ON THE PETITION of Solomon Freeman, Esq. of Harwich, setting forth that there had been a Mistake with respect to Taxes set on the Towns of Harwich and Eastham, in the Year 1777:

*Resolved*, That the Sum of Ninety-seven Pounds, fourteen Shillings and three Pence be deducted from the next Tax to be set on the Town of Harwich, and that the aforesaid Sum be Set to the Town of Eastham, in the next Tax that shall be made. [*Passed June 4.*]

Legislative  
Records of the  
Council,  
xxxix., 281.  
Mass.  
Archives,  
ccxxii., 453.  
Mass.  
Resolves,  
May Session,  
chap. 45.  
Mass.  
Archives,  
ccxxii., 454.



## CHAPTER 43.

## RESOLVE DIRECTING SELECTMEN OF ADJACENT TOWNS TO SUPPLY CONTINENTAL SOLDIERS' FAMILIES IN UNINCORPORATED PLANTATIONS WHOSE INHABITANTS NEGLECT TO DO SO.

Legislative  
Records of the  
Council,  
xxxix., 281.  
Mass.  
Archives,  
cexxii., 455.  
Mass.  
Resolves,  
May Session,  
chap. 40.

WHEREAS it is represented that there are within this State sundry unincorporated Plantations, and that the Families of Continental Soldiers in the Army for such Plantations are not sufficiently provided for:

Mass.  
Archives,  
cexxii., 456.  
Province  
Laws, xx., 159,  
chap. 406; 587,  
chap. 446.

*Resolved*, That when the Inhabitants of any Plantation within this State shall neglect or refuse to supply the Families of Continental Soldiers returned and serving for any such particular Plantation with reasonable Subsistence and Support as is required by two Resolves of the General Court passed October 10, 1777 and February 6, 1779, the Selectmen of the adjacent Town who usually taxes such Inhabitants for their Proportion of the State Tax, are hereby directed and required to furnish the Families of all such Soldiers with reasonable Support and Subsistence, as is by the said two recited Resolves required, and exhibit their Accounts to this Court for an Allowance. [*Passed June 4.*]

## CHAPTER 44.

## RESOLVE DIRECTING SELECTMEN OF HOLLISTON TO DELIVER SUPPLIES TO HENRY LUCKIS (A SOLDIER IN THE CONTINENTAL ARMY) AND HIS FAMILY.

Legislative  
Records of the  
Council,  
xxxix., 281.  
Mass.  
Archives,  
cexxii., 450.  
Mass.  
Resolves,  
May Session,  
chap. 43.

ON THE PETITION of Henry Luckis, a Soldier in the Continental Army in Col. [John]<sup>1</sup> Crane's Regiment, praying that his Family may receive the past Supplies, agreeable to a Resolve of the General Court of the 10th of October 1777 (he or they having never received anything in consequence of said Resolve) and that his Family may be supplied for the future while he continues a Soldier in the Army:

Mass.  
Archives,  
cexxii., 451, 452.  
Province  
Laws, xx., 159,  
chap. 406.

And whereas it appears to this Court that the said Henry Luckis, by a Return made in the Secretary's Office, is a Soldier in the Continental Army and returned for the Town of Holliston, as Part of their Quota for said Army: Therefore

*Resolved*, That the Selectmen of the Town of Holliston be and they are hereby directed to deliver to the said Henry Luckis all such Supplies, agreeable to said Resolve, that may be his due by reason of their neglecting to comply with said Resolve for the Time past, and that they continue to supply said Henry's Family agreeable to said Resolve. [*Passed June 4.*]

## CHAPTER 45.

## RESOLVE SETTING A HEARING ON PROPOSED CHANGES IN CHARLEMONT AND GREEN &amp; WALKER'S GRANT.

Mass.  
Resolves,  
May Session,  
chap. 41.

THE COMMITTEE of both Houses to whom was referred the Consideration of the Petition of Valentine Harris and twenty-two others, Inhabitants of Charlemont, praying for a Division of the same Town, have attended the Service assigned them, and are of Opinion that it is not expedient at this Time to make any

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, iv., 83.



further Division of the Town of Charlemont; your Committee are of Opinion that the annexing of Green & Walker's Grant (so called) laying on the North Line of Charlemont, would be of public Advantage.

*Resolved*, That the Petitioners notify the Proprietors of Green & Walker's Grant (so called) laying on Charlemont North Line, to shew Cause, if any they have, on the second Wednesday of the next Sitting of the General Court, why the said Land should not be annexed to the Town of Charlemont, there to do Duty and receive Privileges, by serving one of the principal Proprietors of said Grant with a Copy of this Resolve. [*Passed June 4.*]

## CHAPTER 46.

ORDER FURTHER SUSPENDING THE INCORPORATION OF COX HALL, INCLUDING PART OF SANFORD, AND SETTING A HEARING ON SAME BY A COMMITTEE.

THE COMMITTEE of both Houses appointed to take into Consideration the Petition of the Selectmen of the Town of Sandford, and the Papers accompanying the same, hear the Parties, and report what is proper to be done thereon, have attended the Service assigned them, and are of Opinion that the Operation of the Act incorporating Coxhall be still suspended, and that a Committee be appointed by the General Court to repair to Sandford and Coxhall and view the same, and report to the General Court in what Manner Coxhall ought to be incorporated, that is to say, whether any of the Land now included within the Bounds of Sandford ought to be incorporated with Coxhall; the Expence to be borne as the General Court shall hereafter order. The Committee that shall be appointed to notify the Town of Sandford and Proprietors of Coxhall of the Time and Place of their Meeting at least thirty Days before the Day of their Meeting

Which is humbly Submitted

ARTEMAS WARD per Order.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred and thereupon

*Ordered*, That Capt. [Joshua]<sup>1</sup> Bragdon and Col. [Joseph]<sup>2</sup> Prime with such as the Honorable Board shall join, be a Committee for the purpose aforesaid

In Council

Read and Concurred and Charles Chauncey, Esq., is joined.

[*Passed June 5.*<sup>3</sup>]

## CHAPTER 47.

RESOLVE GRANTING HENRY RIEDEL, QUARTERMASTER AND ENSIGN IN COL. ARMAND'S CORPS, THE PRIVILEGES OF THOSE IN THE FIFTEEN BATTALIONS.

ON THE PETITION of Henry Riedel, who is a Quarter-Master and Ensign in Col. Armand's<sup>4</sup> Corps, praying for some Relief for himself and his distressed Family, that they may not be suffered

Legislative  
Records of the  
Council,  
xxxix., 280.  
Mass.  
Archives,  
ccxxii., 473.  
Mass.  
Resolves,  
May Session,  
chap. 47.

Mass.  
Archives,  
ccxxii., 486-490.  
Province  
Laws, v., 777,  
chap. 23; 1177,  
chap. 39; xx.,  
498, chap. 193.

Legislative  
Records of the  
Council,  
xxxix., 282.  
Mass.  
Archives,  
ccxxii., 472.

<sup>1</sup> Of Wells.

<sup>2</sup> Of Berwick.

<sup>3</sup> This date is same in Massachusetts Resolves, but June 4 according to Legislative Records of the Council.

<sup>4</sup> Tuffin Charles Armand, Marquis de la Rouerie. — Heitman's Historical Register of the Officers of the Continental Army, 73. Armand, Marquis de la Rouerie. — Massachusetts Archives, clxxiv., 201; clxxvi., 172, 175; cc., 317.



Mass.  
Resolves,  
May Session,  
chap. 48.

Mass.  
Archives,  
clxiv., 201.

to starve while he is jeoparding his Life in the high Places of the Field in Defence of his Country:

*Resolved*, That Henry Riedel be and he hereby is intitled to all the Privileges which he would be intitled to did he belong to the fifteen Battalions raised in this State. [*Passed June 5.*]

## CHAPTER 48.

RESOLVE GRANTING GRATUITIES OF \$100 TO MICAH DAVIS AND OTHERS OF COL. NIXON'S REGIMENT.

Legislative  
Records of the  
Council,  
xxxix., 283.  
Mass.  
Archives,  
ccxxii., 470.  
Mass.  
Resolves,  
May Session,  
chap. 49.

Mass.  
Archives,  
ccxxii., 471.

ON THE PETITION of Benjamin Heywood, Pay-Master to Col. [Thomas]<sup>1</sup> Nixon's Regiment, in behalf of Micah Davis, Henry Abbott, Silas Brooks, Admatha Blodget and Solomon Blodget, Soldiers in said Regiment, praying that they may have the Privilege of receiving the One Hundred Dollars Gratuity in the same Manner as it is given to the other Soldiers in said Regiment:

*Resolved*, That the Prayer of said Petition be granted and that there be allowed and paid to Micah Davis and others above-mentioned the same Gratuity of One Hundred Dollars as it is paid to the other Soldiers in said Regiment. [*Passed June 5.*]

## CHAPTER 49.

RESOLVE GRANTING £95. 16s. 6d. TO EBENEZER JENKINS FOR PROCURING EVIDENCE AGAINST EDWARD BACON, ESQ.

Legislative  
Records of the  
Council,  
xxxix., 283.  
Mass.  
Archives,  
ccxxii., 462.  
Mass.  
Resolves,  
May Session,  
chap. 51.

Mass.  
Archives,  
ccxxii., 463, 464.  
Province  
Laws, xx.,  
637, chap. 573.

ON THE PETITION of Ebenezer Jenkins, praying Allowance for his Time and Expences in procuring Evidence against Edward Bacon, Esq. of Barnstable:

*Resolved*, That there be allowed and paid out of the public Treasury to Ebenezer Jenkins, Ninety-five Pounds sixteen Shillings and six Pence, in full discharge of his Account for said Service. [*Passed June 5.*]

## CHAPTER 50.

RESOLVE FOR RAISING GUARDS FOR STORES IN BOSTON AND SPRINGFIELD.

Legislative  
Records of the  
Council,  
xxxix., 284.  
Mass.  
Archives,  
ccxxii., 469.  
Mass.  
Resolves,  
May Session,  
chap. 46.

Province  
Laws, xx., 676,  
chap. 670.

ON THE REPRESENTATION made to this Court by the Hon. Maj. Gen. [William]<sup>2</sup> Heath, in a Letter bearing Date June 3, 1779, setting forth, that the Guards in Boston and Springfield are insufficient to guard the several Stores, and that a Number of Stores in the Town of Boston remain unguarded:

*Resolved*, That the Major Part of the Council be and hereby are desired to issue their Orders to the Commanding Officer of the Boston Regiment that he supply Maj. Gen. [William] Heath with such a Number of Officers and Men as he shall judge sufficient for Guards in said Town of Boston, and that they be held fourteen Days from the Date hereof, keeping an exact Account of the Number of Officers and Men doing Duty, and that they have Credit for the same in all future Requisitions made for Men in said Town of Boston for Guards in this State; and that the Guard in Springfield be augmented to fifty-six Men, including Officers, by enlistment. [*Passed June 5.*]

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xi., 481.

<sup>2</sup> *Ibid.*, vii., 684.



## CHAPTER 51.

RESOLVE SETTING A HEARING AND STAYING ACTION AS TO IRON BELONGING TO JOHN McWHORTER OF TAUNTON, STOPPED BY THE COMMITTEE OF INSPECTION OF STOUGHTON IN 1775, PURSUANT TO A RESOLVE OF THE PROVINCIAL CONGRESS.

ON THE PETITION of John Withington and others, who were elected and acted as a Committee of Inspection for the Town of Stoughton, A.D. 1775, setting forth, that in Obedience to a Resolve passed by the Provincial Congress of this State, they stopped upwards of a Ton of Iron, the Property of John McWhorter of Taunton, by seizing and storing the same in the Town of Stoughton, which Iron they had every probable Reason to suspect was designed for the Use of the British Army; said Iron was since sold by said Committee sometime in the Year 1776, and a formal Tender made of 24s. per Hundred for said Iron, and Interest from the Time it was seized and stored, which said McWhorter refused, and has since commenced an Action of Trespass against four Persons who were Actors in seizing said Iron, for £486, Lawful Money, which is to be brought upon Trial next Week at Taunton Court, as set forth in said Petition:

*Resolved*, That the Petitioners serve the said John McWhorter with a Copy of said Petition, together with this Order thereon, that he may shew Cause, if any he have, on the second Wednesday of the next Sitting of this Court why the Prayer of this Petition should not be granted; and the Action commenced against the Persons mentioned in said Petition be stayed in the mean Time. [*Passed June 5.*<sup>1</sup>]

Mass.  
Resolves,  
May Session,  
chap. 50.

Mass.  
Archives,  
ccxxiii., 506,  
511-518.

## CHAPTER 52.

RESOLVE PERMITTING JOSEPH DOMETT, PRISONER IN BOSTON GAOL, TO LEAVE THE UNITED STATES, TAKING HIS WIFE JUDITH IF SHE INCLINES TO GO.

UPON THE PETITION of Joseph Domett, shewing that he was committed to the Gaol in Boston, on Suspicion of holding a criminal Correspondence with the Enemy, praying that he may be admitted to Bail, on account of his ill State of Health, or that he may be permitted to go a voluntary Exile from the United States of America, under such Restrictions as shall be judged best:

*Resolved*, That the Prayer of the Petition be so far granted, that the said Joseph Domett be permitted to go by the first Cartel from this State to any Place in Possession of the Enemy, with so much of his Effects as the Committee of Correspondence of Boston may Judge necessary to support him on his Passage, and to be subject to the Examination of said Committee at the Time of his Departure, to prevent his carrying any unfriendly Information to the Enemy by Letters, the said Domett not to be permitted to return again to any of the United States of America; and that said Domett take his Wife [Judith]<sup>2</sup> with him, if she inclines to go, under the same Restrictions that he the said Domett is. [*Passed June 5.*<sup>3</sup>]

Legislative  
Records of the  
Council,  
xxxix., 282.  
Mass.  
Archives,  
ccxxii., 465.  
Mass.  
Resolves,  
May Session,  
chap. 55.

Mass.  
Archives,  
cliv., 276;  
ccxxii., 467.  
Province  
Laws, xx., 697,  
chap. 719.

<sup>1</sup> Massachusetts Archives, ccxxiii., 513-14, passed, concurred, June 5, with "Consented to" erased; Committee appointed to consider, by Council and House, September 5.

<sup>2</sup> *Post*, chap. 70.

<sup>3</sup> This date is June 7 according to Massachusetts Resolves.



## CHAPTER 53.

## RESOLVE FOR DISPATCHING A FLAG OF TRUCE FROM BOSTON TO NEW YORK WITH NAVAL PRISONERS FOR EXCHANGE.

Legislative  
Records of the  
Council,  
xxxix., 275.  
Mass.  
Archives,  
ccxxiii., 18.  
Mass.  
Resolves,  
May Session,  
chap. 64.

Mass.  
Archives,  
ccxxii., 493-  
496; ccxxiii., 16.

WHEREAS from the Number of Americans now Naval Prisoners at New York, and from the large Number of British Sailors now Prisoners in this State, who are supported at great Expence, it will be most for the Interest of the State that a Cartel should be sent to New York to negotiate an Exchange of such Prisoners: Therefore

*Resolved*, That the Major Part of the Council be and they hereby are requested to direct the Commissary of Prisoners for this State forthwith to take up a Vessel and despatch her as a Flag of Truce to New York, with such a Number of British Sailors now on board the Guard-Ship in the Harbour of Boston, as the Major Part of the Council shall judge proper for Exchange. [*Passed June 7.*<sup>1</sup>

## CHAPTER 54.

## RESOLVE GRANTING TRIAL OF THE CASE OF THE BRIGANTINE VENUS IN THE MARITIME COURT AT BOSTON THOUGH FILED AT PLYMOUTH.

Legislative  
Records of the  
Council,  
xxxix., 283.  
Mass.  
Archives,  
ccxxii., 499.  
Mass.  
Resolves,  
May Session,  
chap. 58.

WHEREAS the Hon. Nathan Cushing, Esq., Judge of the Maritime Courts in and for the Southern and Middle Districts, hath appointed a Maritime Court to be held at Plymouth, in and for the Southern District, on Wednesday the 16th Day of June current, for the Trial of the Justice of the Capture of the Brigantine Venus (among other Vessels) upon the Libel of Samuel Foster and others, since the filing of which Libel the said Brigantine hath been brought into the Port of Boston, in the Middle District; and whereas the Superior Court of Judicature, &c. is to be held at Ipswich, in and for the County of Essex, on the same Week, by means whereof the Parties in said Case will be deprived of their Counsel, who are under a Necessity of attending the said Superior Court of Judicature: Therefore

*Resolved*, That the Trial of the Justice of said Capture be had at the Maritime Court next to be held at Boston, in and for the Middle District (the said Libel being filed in the Maritime Court in and for the Southern District notwithstanding) in like Manner and Form, to all Intents and Purposes, as the same would have been had, in case the said Libel had been originally duly filed in said Middle District; and the said Judge is directed to give seasonable Notice hereof to all concerned. [*Passed June 7.*<sup>2</sup>

<sup>1</sup> This date is same in Massachusetts Resolves, but is June 3 according to Legislative Records of the Council.

<sup>2</sup> This date is same in Massachusetts Resolves but is June 5 according to Legislative Records of the Council.



## CHAPTER 55.

RESOLVE PERMITTING PETER ROE DALTON TO SELL CONDEMNED PROVISIONS, BELONGING TO THE UNITED STATES, AT AUCTION.

Legislative  
Records of the  
Council,  
xxxix., 283.  
Mass.  
Archives,  
ccxxii., 497.  
Mass.  
Resolves,  
May Session,  
chap. 53.  
Mass.  
Archives,  
ccxxii., 498.

ON THE PETITION of Peter Roe Dalton, praying for Leave to dispose at public Vendue of a Quantity of condemned Provisions, the Property of the United States:

*Resolved*, That the Prayer thereof be granted, and that the said Peter Roe Dalton have Leave to dispose of the same at public Auction, any Resolve of the General Court to the contrary notwithstanding. [*Passed June 7.*]

## CHAPTER 56.

RESOLVE ENTITLING WILLIAM STEVENS AND OTHERS, OFFICERS IN COL. LAMB'S REGIMENT, TO THE SAME PRIVILEGES AS THOSE IN THE FIFTEEN BATTALIONS.

ON THE PETITION of William Stevens, Captain in Col. [John]<sup>1</sup> Lamb's Regiment of Artillery, in behalf of himself and Capt. Theodore Bliss, also Joseph Savage, Joseph Thomas, Ephraim Fenno, Edward Archibald [Archbald]<sup>2</sup> Captain-Lieutenants and Elisha Harvey, Lieutenant in the same Regiment, praying that they may be indulged with the same Favours and Gratuities that Officers of the same Rank are intitled to in the fifteen Battalions raised by this State:

Legislative  
Records of the  
Council,  
xxxix., 285.  
Mass.  
Archives,  
ccxxiii., 5.  
Mass.  
Resolves,  
May Session,  
chap. 57.  
Mass.  
Archives,  
ccxxiii., 6.

*Resolved*, That the said William Stevens and Theodore Bliss, Captains, Joseph Savage, Joseph Thomas, Ephraim Fenno, Edward Archibald [Archbald] Captain-Lieutenants, and Elisha Harvey, Lieutenant, be and hereby are intitled to all the Privileges and Favours granted by this State to Officers of the same Rank in the Fifteen Battalions raised by said State. [*Passed June 7.*]

## CHAPTER 57.

RESOLVE GRANTING GRATUITIES OF \$100 TO JOHN INGALSBEЕ AND OTHERS OF COL. NIXON'S REGIMENT.

ON THE PETITION of John Ingalsbee, Nathan Davis, Eli Keyes, Francis Noble, John Priest, David Stratton and Robert Thompson, Soldiers in Col. Thomas Nixon's Regiment, praying this Honored Court would condescend to grant them the Gratuity of One Hundred Dollars, in the same Manner as it is given to their brother Soldiers:

Legislative  
Records of the  
Council,  
xxxix., 285.  
Mass.  
Archives,  
ccxxiii., 7.  
Mass.  
Resolves,  
May Session,  
chap. 52.  
Mass.  
Archives,  
ccxxiii., 8.  
*Ante*, p. 26,  
chap. 48.

*Resolved*, That the Prayer of said Petition be granted, and that there be allowed and paid to John Ingalsbee and others, above mentioned, the same Gratuity of One Hundred Dollars as it is paid to the other Soldiers in said Regiment. [*Passed June 7.*]

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xiv., 987.

<sup>2</sup> *Ibid.*, i., 286.



## CHAPTER 58.

RESOLVES FOR KEEPING CAPT. ROBERT ALLEN, CHARGED WITH FRAUDULENT ENLISTMENTS, IN BOSTON GAOL UNTIL NEXT SUPERIOR COURT AND DIRECTING THE SHERIFF TO RETAIN ALL MONEYS, ETC., TAKEN FROM HIM.

Legislative  
Records of the  
Council,  
xxxix., 285.  
Mass.  
Archives,  
ccxxiii., 1.  
Mass.  
Resolves,  
May Session,  
chap. 56.

WHEREAS one Robert Allen, late a Captain in the Continental Regiment raised by this State, late commanded by Col. [Ichabod]<sup>1</sup> Alden deceased, is apprehended upon a Charge of Forgery and defrauding several Towns within this State of large Sums of Money, upon Pretence of having inlisted divers Soldiers into the Continental Service on their Account, and as the Attorney-General has informed this Court that the Witnesses against the said Allen cannot at present be had, by reason of their residing at a distance from Boston, where the said Allen is now committed to Gaol for further examination; and whereas there was found upon the said Allen, when he was formerly apprehended and made his Escape, a considerable Sum of Money which by the Council was ordered into the keeping of the Sheriff of the County of Suffolk, and another Sum of Money, together with a Loan Office Certificate has now also been found upon him; and whereas it is highly reasonable that the Government should be reimbursed the Costs and Expences they have been at in apprehending the said Allen, and may further expend in prosecuting him upon the said Charges: Therefore

*Resolved*, That the said Allen be and remain committed unto the Gaol aforesaid until the Attorney-General may have an opportunity to procure the Witnesses against said Allen, provided that he shall not stand committed for that Cause after the next Term of the Superior Court of Judicature, &c. to be held at Boston in and for the County of Suffolk. And be it further

*Resolved*, That the Sheriff for the same County be and he hereby is directed to receive and retain in his Hands all the said Monies and Certificate, to the End that the Costs, Charges and Expences aforementioned be paid and satisfied out of the same, and the Residue, if any, be subject to the future Order of the Court. [*Passed June 7.*]

## CHAPTER 59.

RESOLVE DIRECTING THE INHABITANTS OF CHESTERFIELD GORE TO PAY THEIR STATE TAXES TO CHESTERFIELD.

Legislative  
Records of the  
Council,  
xxxix., 286.  
Mass.  
Archives,  
ccxxiii., 3.  
Mass.  
Resolves,  
May Session,  
chap. 61.

Mass.  
Archives,  
ccxxiii., 4.  
Province  
Laws, xx.,  
283, chap. 993.

ON THE PETITION of the Selectmen of Chesterfield, in behalf of said Town, shewing that in Consequence of an Order of the General Court passed in the Year 1778, the Inhabitants of a Gore of Land joining to said Chesterfield, and which had been taxed there, were admitted to certain Privileges, and in particular from paying Taxes to the Town of Chesterfield, notwithstanding which the said Town of Chesterfield hath been taxed as much as they were before the passing said Order, and the Inhabitants of said Gore not being taxed by themselves, they were taxed to the Town of Chesterfield.

*Resolved*, That the Inhabitants of said Gore pay their State Taxes to the Town of Chesterfield, until such Time as the Taxes shall be made upon the last Valuation, any Resolve of this Court to the contrary notwithstanding. [*Passed June 7.*]

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, i., 107.



## CHAPTER 60.

## RESOLVES PERMITTING STEPHEN ELDREDGE TO GO TO NOVA SCOTIA AND RETURN WITH HIS EFFECTS WITHIN SIX MONTHS.

ON THE PETITION of Stephen Eldredge, praying that he might have Liberty to go to Nova Scotia and bring his Effects into this State:

*Resolved*, That Stephen Eldredge be permitted to take passage in the Schooner Kingfisher, Capt. Rider, Master now laying at Newbury Port, to go to Nova Scotia and bring his Effects into this State, and all Masters of armed Vessells in the Service of the United States or either of them, excepting this State, are desired not to molest or hinder the said Stephen Eldredge in his Passage, and all Masters of armed Vessells in the Service of this State are directed not to molest or hinder the aforesaid Stephen Eldredge in his Passage from hence, and in his Return back again to this State, provided he returns within six Months and it is further

*Resolved*, That the said Stephen Eldredge be under the Direction of the Committee of Safety of Newbury Port. [Passed June 7.]

Legislative  
Records of the  
Council,  
xxxix., 287.  
Mass.  
Archives,  
ccxii., 500.  
Mass.  
Resolves,  
May Session,  
chap. 63.  
Mass.  
Archives,  
ccxxii., 501.

## CHAPTER 61.

## RESOLVE GRANTING £72. 3s. TO EZRA THOMPSON FOR NURSING, DOCTORING, ETC., JOSEPH JOHNSON, A WOUNDED SOLDIER.

ON THE PETITION of Ezra Thompson, praying Allowance for his Expences for Nursing and Doctoring and providing Necessaries for Joseph Johnson, a wounded Soldier:

*Resolved*, That there be allowed and paid out of the public Treasury to Ezra Thompson, the Sum of Seventy-two Pounds and three Shillings, in full for his Expences set forth in said Petition. [Passed June 7.]

Legislative  
Records of the  
Council,  
xxxix., 287.  
Mass.  
Resolves,  
May Session,  
chap. 60.

## CHAPTER 62.

## RESOLVE GRANTING GRATUITIES TO JOSEPH CROCKER AND OTHERS OUT OF CONFISCATED ESTATES OF THE LATE GOVERNOR, THOMAS HUTCHINSON, ESQ., AND OTHERS.

ON THE PETITION of Joseph Crocker, Pay-Master to Col. [John]<sup>1</sup> Greaton's Regiment, and others, praying that they may receive the Gratuities they are intitled to by a Resolve of the General Court of May 1st 1778, to be paid by the 1st of December last:

*Resolved*, That the Prayer of the Petition be so far granted that the Treasurer of this State be and he is hereby directed to pay said Gratuities out of the Proceeds of the Confiscated Real Estates of the late [Governor],<sup>2</sup> Thomas Hutchinson Esq. and others, any prior Appropriation, Resolve, Law or Usage to the contrary notwithstanding. [Passed June 7.]

Legislative  
Records of the  
Council,  
xxxix., 287.  
Mass.  
Archives,  
ccxiii., 13.  
Mass.  
Resolves,  
May Session,  
chap. 59.  
Mass.  
Archives,  
ccxxiii., 14.  
Province  
Laws, xx., 415,  
chap. 1078;  
716, chap. 765.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vi., 788.

<sup>2</sup> Thomas Hutchinson, Esq., died in Brampton, England, June 3, 1780.



## CHAPTER 63.

RESOLVES APPOINTING A COMMITTEE TO GO TO SPRINGFIELD TO ENQUIRE INTO PROPOSED PARTITION OF REV. JOHN MCKINSTRY'S PARISH, AT THE CHARGE OF SAID PARISH.

Legislative  
Records of the  
Council,  
xxxix., 287.  
Mass.  
Resolves,  
May Session,  
chap. 62.

Province  
Laws, xx., 128,  
chap. 317; 226,  
chap. 580; 233,  
chap. 597.

In the House of Representatives

On the Petitions of the Inhabitants of the Rev. Mr. [John]<sup>1</sup> Mackenstre's [McKinstry's] Parish in Springfield, the one praying that the Inhabitants of said Parish on the West Side of Connecticut River may be set off and incorporated into a separate Parish, the other praying that said Parish may not be Divided:

*Resolved*, That Capt. [David]<sup>2</sup> Mosely and Mr. [Timothy]<sup>3</sup> Clark, with such as the Honorable Board shall join, be a Committee to repair to the said Mackenstre's [McKinstry's] Parish in Springfield, to enquire into the various Matters and Things contained in the said Petitions, and report to this Court on the second Wednesday of their next Setting. And it is further

*Resolved*, That the Expences which the said Committee may be at shall be paid by the whole of said Parish,

In Council Read and Concurred and Timothy Danielson Esq. is joined. [*Passed June 7.*]

## CHAPTER 64.

VOTE DESIRING THE PRESIDENT OF THE COUNCIL TO SIGN THE ANSWER TO THE LETTER OF MAJ. GEN. BARON STEUBEN PRESENTING HIS REGULATIONS FOR THE MILITIA.

Legislative  
Records of the  
Council,  
xxxix., 288.  
Mass.  
Archives,  
cc., 101.

In Council

The Secretary is directed to take said Letter into a fair Draft, and the President of the Council is hereby desired to sign and forward the same to the Hon. Maj. Gen. Baron Steuben<sup>4</sup> by the first opportunity

Mass.  
Archives,  
cc., 421-424.

In the House of Representatives

Read and Concurred. [*Passed June 7.*]

SIR

Your favour of the 20th of April I received a few days since, and am directed by the General Assembly to return you their thanks for your attention to the welfare of the United States in general, and particularly of this State, in so important a matter as the arrangement of their Militia. They have not yet received a Copy of your Regulations<sup>5</sup> mentioned in your Letter; whenever they shall come to hand you may be assured the established reputation of Baron Steuben will recommend them to our careful attention.

In the Name and behalf of the  
General Assembly, I am  
Your most humble Servant

Maj. Gen. BARON STEUBEN

<sup>1</sup> Willis's Genealogy of the McKinstry Family, 1858.

<sup>2</sup> Of Westfield.

<sup>3</sup> Of Southampton.

<sup>4</sup> Friedrich Wilhelm August Heinrich Ferdinand, Baron von Steuben.

<sup>5</sup> Regulations for the order and discipline of the troops of the United States, Part I, Philadelphia: printed by Styner and Cist, in Second street, MDCCLXXXIX, copies of which are in the Massachusetts Historical Society, Harvard College Library, etc. This was the only part printed.



## CHAPTER 65.

RESOLVE SETTING A HEARING ON PROPOSED CHANGES IN THE LINE BETWEEN SOUTHWICK AND WESTFIELD.

Mass.  
Resolves,  
May Session,  
chap. 54.

ON THE PETITION of the Inhabitants of the District of Southwick, praying that the Northerly Line of Southwick may be extended two hundred Rods further North upon Westfield, parallel with the original North Line:

*Resolved*, That the said Petitioners notify the said Town of Westfield to shew Cause, if any they have, on the second Tuesday of the next Sitting of this Court why the Prayer of the Petitioners should not be granted, by leaving a Copy of said Petition, together with a Copy of this Resolve, at least fourteen Days before the Day above prefixed, with the Clerk of the said Town of Westfield.  
[Passed June 7.]

Mass.  
Archives,  
clxxxv., 172,  
173; cccxiv.,  
222-224;  
Province  
Laws, v., 1116,  
chap. 14.  
Mass.  
Resolves,  
September  
Session,  
chap. 100.

## CHAPTER 66.

RESOLVES FOR RAISING 800 MEN, OVER SIXTEEN YEARS OF AGE, TO SERVE IN RHODE ISLAND, PROVIDING COMPENSATION IN ADDITION TO THEIR CONTINENTAL PAY, AND EXEMPTING OFFICERS AND STUDENTS OF HARVARD COLLEGE, MINISTERS, GRAMMAR SCHOOLMASTERS, INDIANS, NEGROES, MULATTOES, AND THOSE WHO PAY A FINE OF £30 OR PROCURE A SUBSTITUTE.

WHEREAS it appears that an Agreement was made between the four New England States (in Consequence of a Recommendation from Congress) at Springfield, on the 30th of July 1777, to keep up a certain Number of Men in the State of Rhode Island, so long as the Enemy kept in force there, and as the Enemy seem determined to maintain the Post in that Quarter, they will have it in their Power to make such Depredations as they please, unless there is sufficient Force to repel them: Therefore

Legislative  
Records of the  
Council,  
xxxix., 289.  
Mass.  
Archives,  
ccxliii., 23-28d.  
Mass.  
Resolves,  
May Session,  
chap. 66.

*Resolved*, That 800 Men, Non-commissioned Officers included, in Addition to those ordered to be raised to be under the Command of Col. [John]<sup>1</sup> Jacobs, be raised, to serve from the Time of their being enlisted, or detached, until the first Day of January next, unless sooner discharged, in the following Manner, viz.

Province  
Laws, v., 933,  
chap. 39.

*Resolved*, That the Brigadier or Commanding-Officer of the County of Suffolk detach or cause to be detached from the Brigade under his Command Ninety-five Men, to be formed into one Company, with proper Officers to command them. That the Brigadier or Commanding-Officer of the County of Essex detach from the Brigade under his Command One Hundred and nineteen Men, to be formed into one Company, with proper Officers to command them. That the Brigadier or Commanding-Officer of the County of Middlesex detach from the Brigade under his Command One Hundred Men, to be formed into one Company, with proper Officers to command them. That the Brigadier or Commanding-Officer of the County of Worcester detach from the Brigade under his Command One Hundred and twenty-four Men, to be formed into one Company, with proper Officers to command them. That the Brigadier or Commanding-Officer of the County of Hampshire detach from the Brigade under his Command One Hundred and two Men, to be formed into one Company, with proper Officers to command them. That the Brigadier or Commanding-Officer of the County of Plymouth detach from the

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, viii., 699.



Brigade under his Command Seventy-four Men, to be formed into one Company, with proper Officers to command them. That the Brigadier or Commanding-Officer of the County of Barnstable detach from the Brigade under his Command Thirty-eight Men. That the Brigadier or Commanding-Officer of the County of Bristol detach from the Brigade under his Command Sixty-nine Men, which, with the Thirty-eight detached from the Barnstable Brigade, be formed into one Company with proper Officers to command them, as shall be agreed upon by the two last mentioned Brigadiers. That the Brigadier, or Commanding-Officer of the County of York detach from the Brigade under his Command Forty-five Men. That the Brigadier or Commanding-Officer of the County of Cumberland detach from the Brigade under his Command Thirty-four Men, which, with the Forty-five Men detached from the York Brigade, be formed into one Company, with proper Officers to command them, as shall be agreed upon by the two last mentioned Brigadiers. The aforesaid Eight Companies to compose one Regiment, the Field-Officers to be appointed by the Honorable the Major Part of the Council, from the Militia of this State. And that the aforesaid Brigadiers or Commanding-Officers of Brigades shall forthwith make said Detachments, or cause them to be made indiscriminately, from the Train-Band and Alarm Lists, and all other Male Persons above the Age of Sixteen Years, excepting the Officers and Students of Harvard College, Ministers of the Gospel, Grammar School-Masters, Indians, Negroes, and Molattoes; and form the Men so detached as aforesaid, and cause them to be mustered before some Muster-Master appointed in the several Counties, and marched without Delay, by the most convenient Rout to the Place of their destination: And that they make Returns to the Major Part of the Council of the Men by them respectively raised and actually marched, at or before the Thirtieth Day of June Instant.

*Resolved*, That there be paid out of the public Treasury of this State to such Field-Officers as shall be Commissioned by the Honorable the Major Part of the Council for said Regiment to the Colonel Forty-five Pounds, to the Lieutenant-Colonel Forty Pounds, to the Major Thirty-five Pounds per Month, during said Service. And that there be paid out of the public Treasury of this State to every Captain so detached, Thirty Pounds per Month, in Addition to the Continental Pay; to each Lieutenant Twenty-four Pounds per Month; to each Serjeant Eighteen Pounds per Month; to each Corporal Seventeen Pounds per Month, in Addition to said Continental Pay; and to each Private Sixteen Pounds per Month, in Addition to said Continental Pay. And that ample Encouragement may be given to Men cheerfully and speedily to turn out on this Occasion, it is further

*Resolved*, That the Selectmen of each Town be and they are hereby directed to pay out of the Treasury of their respective Towns the sum of Thirty Pounds to each Non-commissioned Officer and Private, detached and mustered as aforesaid, being properly armed and equipped; and also the further Sum of 2s per Mile as Mileage from such Towns to the Place of their Destination. And such Selectmen or Assessors are hereby empowered to assess a Tax upon the Polls and Estates of their respective Towns, according to the Rules of the last preceeding Tax-Act, to replace the Money they shall take out of the Treasury, or hire for the Purposes aforesaid, and to commit such Assessment to the Constable or Collector of their respective Towns, who are hereby required to collect the same, and in such Collections to proceed according to the Rules in said Act prescribed. And such Sums so



advanced shall be deducted from the next State Tax levied on such Towns respectively; and to that Intent said Selectmen or Assessors are hereby required to lodge in the Secretary's Office an attested Account of the Bounties and Mileage-Money paid by them, with the proper Vouchers, as soon as may be. It is likewise

*Resolved*, That if any Person shall be detached by his Officer, for the Service aforesaid, and shall not, within Twenty-four hours after he is so detached, pay a Fine of Thirty Pounds, or procure some able-bodied Man in his room, properly armed and equipped, he shall be held as a Soldier in said Detachment, and treated as such; and the Officer who shall receive such Fines shall proceed to hire Men therewith, or detach others, as the Case may be, until he hath compleated his Quota. It is also

*Resolved*, That where there are no Militia Officers, the Selectmen, and where there are no Militia Officers or Selectmen, the Committee are impowered and directed to do all Duties by this Resolve enjoined upon Militia Officers or Selectmen.

*Resolved*, That if any Person shall be detached as aforesaid, but neglect to procure an able-bodied Man, armed and equipped in his Stead, or to pay said Fine, for the space of Twenty-four Hours, the Clerk of the Company to which he belongs, or a Constable of the Town, shall by Virtue of a Warrant from the Commanding Officer of such Company, proceed to recover said Fine, in the same Manner as Constables are authorized to proceed to recover Taxes of those persons who neglect or refuse to pay the same; any Law or Resolve of this Court to the Contrary notwithstanding. Also

*Resolved*, That the Men detached as aforesaid, shall be immediately marched to Providence, and to be under the Command of the Continental Officer who has the Chief Command in that Department. And it is further

*Resolved*, That the Men who shall be inlisted or drafted from the Militia of the several Towns in this State, by Force of the foregoing Resolve, shall be held and returned for the Towns whereof they are Inhabitants, and no other, and that all Contracts, Bargains and Agreements made with any Person to serve for any other Town than that whereof he is an Inhabitant, shall be null and void; unless a Certificate be obtained from the Major Part of the Selectmen of such Town that their Quota is compleat. And it is further

*Resolved*, That the Brigadiers or Commanding-Officers of the aforesaid Counties, where it may be for the Conveniency and the good of the Service, and agreeable to the Militia, may appoint Officers other than those belonging to the Militia, who have had Commissions of equal Rank, and approved good Officers, and recommend them to the Council, that they may be Commissioned accordingly. [*Passed June 8.*]

## CHAPTER 67.

RESOLVE FOR METHODIZING AND STATING THE ACCOUNTS OF TOWNS SUPPLYING THE FAMILIES OF SOLDIERS IN THE CONTINENTAL ARMY.

WHEREAS by a Resolve of the late General Court of the Sixth of February last, it is among other Things resolved, that the Selectmen and Committees respectively of the several Towns in this State who have supplied the Families of the Soldiers in the Continantal Army for three Years or during the War, shall make

Legislative  
Records of the  
Council,  
xxxix., 292.  
Mass.  
Archives,  
ccxxiii., 22.  
Mass.  
Resolves,



May Session,  
chap. 65.  
Province  
Laws, xx., 587,  
chap. 446.

up their Accounts for past Supplies as soon as may be, and for future Supplies on the first Day of January yearly, and lay them before the General Court for Examination and Allowance; and whereas no Method was provided in said Resolve in what Manner said Accounts should be stated, whereby great Inconveniences will arise: Therefore

*Resolved*, That the following Schedule be printed in Hand-Bills and sent to the several Towns in this State as soon as may be, and that the Selectmen and Committees of the Several Towns state their Accounts conformable thereto, and lay them before the Committee on Accounts for Examination and Allowance, with the Certificate of their being duly sworn to.

*The State of Massachusetts-Bay to the Selectmen or Committee of the Town of A, Dr.*

N. B. Each Soldier's Family to be in a Column by themselves, or Part of a Column, as the Case may require, properly footed.	Current Price of the Several Articles.			Stated Price of the Several Articles.			The Sums paid by Soldiers Families.			Room left here to draw the Ballance.
	£.	s.	d.	£.	s.	d.	£.	s.	d.	
Articles supplied A B's Family from the Day of the Day of to										
Indian Corn at £1. per Bushel.	1	0	0	0	4	0	0	4	0	
Rye at £1.10 per Bushel.	1	10	0	0	6	0	0	6	0	
Fork at 1s. per lb.,	1	0	0	0	13	4	0	13	4	
Beef, &c. at 10d. per lb.,	1	13	4	0	16	8	0	16	8	
Total,				Total,			Total,			
Articles supplied C D's Family from the Day of the Day of to										
Bushels Potatoes at per Bush. &c. &c.										

[Passed June 8.

## CHAPTER 68.

Legislative  
Records of the  
Council,  
xxxix., 289.  
Mass.  
Archives,  
ccxxiii., 20a.

RESOLVE ACCEPTING THE RESIGNATION OF COL. PAUL DUDLEY SARGENT OF THE 1ST REGIMENT IN ESSEX COUNTY.

In the House of Representatives

Read and thereupon

*Resolved*, That the Resignation of Col. [Paul Dudley]<sup>1</sup> Sargent be and hereby is accepted.

In Council

Read and Concurred. [Passed June 8.

Mass.  
Archives,  
ccxxiii., 20, 21.

## CHAPTER 69.

Legislative  
Records of the  
Council,  
xxxix., 293.  
Mass.  
Archives,  
ccxxiii., 46.  
Mass.  
Resolves,  
May Session,  
chap. 67.

RESOLVE PERMITTING JOHN LOVELL, PRISONER IN BOSTON GAOL TO GO TO NEW YORK.

ON THE PETITION of John Lovell, now confined in the Gaol in Boston, praying for Liberty to go to New York:

*Resolved*, That the Prayer of the Petition be granted, and the said John Lovell is hereby accordingly permitted to go to New York by the first Cartel which shall sail to that Port, not again to return to this State without the Liberty of the General Court first had and obtained for so doing. [Passed June 9.

Mass.  
Archives,  
ccxxiii., 47.

<sup>1</sup> Massachusetts Archives, ccxxiii., 20.



## CHAPTER 70.

RESOLVE ALLOWING JOSEPH DOMETT THE LIBERTY OF THE GAOL-YARD UNTIL THE CARTEL IS READY TO CARRY HIM TO NEW YORK.

Legislative  
Records of the  
Council,  
xxxix., 293.  
Mass.  
Archives,  
ccxiii., 50.  
Mass.  
Resolves,  
May Session,  
chap. 73.

UPON THE PETITION of Judith Domett praying that her Husband Joseph Domett may have Liberty of the Gaol-Yard until such Time as the Cartel shall be ready to carry him to New York:

*Resolved*, That the Prayer of the Petition be granted, and the Sheriff and Deputy Gaoler of the County of Suffolk are hereby impowered and directed to allow the said Domett the Liberty of the Gaol-Yard until such Time as the Cartel shall be ready to transport him out of the United States. [*Passed June 9.*]

Mass.  
Archives,  
ccxiii., 11.  
*Ante*, p. 27.  
chap. 52.

## CHAPTER 71.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY CAPT. CHARLES COLTON WITH SUNDRY ARTICLES IN LIEU OF A SUIT OF CLOTHES.

Legislative  
Records of the  
Council,  
xxxix., 294.  
Mass.  
Archives,  
ccxiii., 29.  
Mass.  
Resolves,  
May Session,  
chap. 72.

ON THE PETITION of Capt. Charles Coulton:

*Resolved*, That the Board of War be and they hereby are required and directed to supply said Capt. Charles Coulton [Colton]<sup>1</sup> with such Articles as he shall choose (provided they have such Articles on Hand) equivalent in Value to a Suit of Cloaths, he paying the Board of War for the same, in the same proportion other Continental Officers paid for Cloathing they have already received. [*Passed June 9.*]

Mass.  
Archives,  
ccxiii., 30.  
Province  
Laws, x., 676,  
chap. 669.

## CHAPTER 72.

RESOLVE EMPOWERING CALEB DAVIS, ESQ., ONE OF THE MANAGERS OF THE STATE LOTTERY, TO RECEIVE £432 FOR TICKETS FROM THE INSOLVENT ESTATE OF BENJAMIN BRADSHAW, AGENT.

ON THE PETITION of Caleb Davis, Esq:

Whereas by an Act for the equal Distribution of Insolvent Estates, which is now in force, Debts due to the Crown, the Sickness and necessary Funeral Charges of the deceased are to be first paid (in case his Estate shall be Insolvent) and it being made to appear to this Court that the Sum due for the Tickets in his Petition mentioned, is still unpaid and now due from said Estate to the Government and People of this State, and it being antient Usage to consider the Debts due to this Government within the meaning of the act aforesaid: Therefore

*Resolved*, That the Petitioner be and he is hereby impowered to demand and receive of the Administrator on the Estate of the said Benjamin Bradshaw, deceased the Sum of Four Hundred and thirty-two pounds Money (it being the Price of the Tickets in his Petition mentioned) if there be so much remaining in his Hands as Assets, if not that he may receive the whole after the Charges of Settlement of the Estate shall be paid; and the Said Administrator upon his paying the same shall be discharged of such Sum as he shall pay agreeable to this Order, and the Judge of Probate with whom he shall account and settle his Administration shall allow the same accordingly. [*Passed June 9.*]

Legislative  
Records of the  
Council,  
xxxix., 294.  
Mass.  
Archives,  
ccxiii., 32.  
Mass.  
Resolves,  
May Session,  
chap. 74.

Mass.  
Archives,  
ccxiii., 31.  
Province  
Laws, l., 48,  
chap. 16.

<sup>1</sup> Massachusetts Archives, ccxiii., 30.



## CHAPTER 73.

Legislative  
Records of the  
Council,  
xxxix., 294.

Mass.  
Archives,  
ccxxiii., 34.  
Mass.  
Resolves,  
May Session,  
chap. 69.

Mass.  
Archives,  
ccxxiii., 33.

RESOLVE PERMITTING COL. JEDUTHUN BALDWIN TO PURCHASE CLOTHING, ETC., FROM THE BOARD OF WAR.

ON THE PETITION of Col. Jeduthun Baldwin:

*Resolved*, That in Consideration of the Loss [of Cloaths and Baggage]<sup>1</sup> he has sustained, as set forth in his Petition, he be permitted to receive of the Board of War, such Articles as he has mentioned in the Prayer of his Petition, he paying the same Price therefore as the other Continental Officers pay, and the said Board are hereby directed to supply him accordingly. [*Passed June 9.*]

## CHAPTER 74.

RESOLVE GRANTING £150, L. M., TO LIEUT. WILLIAM DAWES, RETIRED ON ACCOUNT OF ILL HEALTH.

Legislative  
Records of the  
Council,  
xxxix., 295.

Mass.  
Archives,  
ccxxiii., 35.  
Mass.  
Resolves,  
May Session,  
chap. 71.

Mass.  
Archives,  
ccxxiii., 36, 37.  
Province  
Laws, xx., 587,  
chap. 446.

ON THE PETITION of Lieut. William Dawes, representing that he served in the Continental Army two Years, and until his Health was so much impaired that he was obliged to leave the Service: Thereupon

*Resolved*, That there be allowed and paid out of the Treasury of this State unto Lieut. William Dawes, One Hundred and fifty Pounds Lawful Money, in like manner as is Provided by a Resolve of the General Court of the sixth of February last, to be paid the Subaltern Officers of the Continental Army. [*Passed June 9.*]

## CHAPTER 75.

RESOLVES FOR RAISING 2,000 MEN TO REINFORCE THE CONTINENTAL ARMY BY DRAFT, LOT, OR VOLUNTARY ENLISTMENT, WITH AN ADDITIONAL BOUNTY OF 100 ACRES OF LAND.

Legislative  
Records of the  
Council,  
xxxix., 295.

Mass.  
Archives,  
ccxxiii., 38-41c.  
Mass.  
Resolves,  
May Session,  
chap. 70.

Mass.  
Archives,  
ccxxiii., 42-44.  
Legislative  
Records of the  
Council,  
xxxix., 302.  
Province  
Laws, xx., 440,  
chap. 53; 702,  
chap. 733.

WHEREAS a Requisition has been made to this Court for a Reinforcement for the Continental Army, that the same may be filled up, and not only make a respectable Appearance, but be able to act vigorously in our Defence through the ensuing Campaign, which by the Smiles of Divine Providence upon our Exertions, we have reason to hope will close the Scene, and fix these United States in full Possession of those Rights and Privileges we have so long been struggling for: Therefore

*Resolved*, That there be two Thousand Men raised within the several Towns and Plantations in this State, by Draft, Lot, or voluntary Inlistment; each Town and Plantation to furnish their Quota agreeable to the Schedule herewith annexed: And for the more effectual carrying this Resolve into Execution, the Brigadier or Commanding-Officer of each Brigade within this State, shall immediately on receipt hereof, issue his Orders to the Colonel or Commanding-Officer of each Regiment in his Brigade, to cause the several Companies in their respective Regiments to be called together forthwith, and a Number of Men equal to the Number assigned to each Town and Plantation in his Brigade, in the following List to be immediately raised as aforesaid, to fill up the fifteen Battalions directed to be raised in this State, to serve



for the Term of nine Months from the time they shall respectively appear at Springfield, or such other Place as the Commander in Chief shall direct the Place of their Rendezvous, unless sooner discharged, and cause the Men so procured, to be mustered by the respective County Muster-Masters; said Drafts to be made from the Train-Band and Alarm-Lists: The Returns thereof from the several Towns and Plantations in the Counties of Suffolk, Essex, Middlesex, Plymouth, and Bristol to be made into the Secretary's Office on or before the second Day of July next. The Returns from the several Towns and Plantations in the Counties of Barnstable, Worcester, Hampshire, and York to be made into said Office, on or before the seventh Day of July next. The Returns from the several Towns and Plantations in the Counties of Cumberland and Berkshire to be made into said Office, on or before the twelfth Day of July next. And Returns from the several Towns and Plantations in the County of Lincoln to be made into said Office, on or before the seventeenth Day of July next. Which Men shall be upon the Continental Establishment. And also to cause said Men to be delivered to such Person as may be appointed by this Court as a Superintendant of the County from whence they are procured; together with a descriptive List of their Persons, Ages, Statures, the Places of their Abode, and the Regiment and Company from which they shall have been procured; which Superintendant shall cause the Men so delivered to him, to be immediately marched to the Place of Rendezvous, under the Care of such Person as he shall appoint for the Purpose, who shall be reasonably allowed and paid for his Time, Service and Expence, in conducting said Troops; and the Superintendant shall also make out a descriptive List as aforesaid, of said Men by him from time to time sent to the Place of Rendezvous, and take Receipts upon the said Lists from such Persons as they shall appoint to conduct them to the Place of Rendezvous, and forward Copies of such Lists and Receipts to such Person appointed as Commissioner, to receive the inlisted or drafted Men. And it is further

*Resolved*, That Justin Ely Esq. be and he is hereby appointed a Commissioner to repair to the Place of Rendezvous, and there reside for the purpose of receiving the Men procured as aforesaid from this State, and of delivering them over to such Continental Officers as may be appointed by the Commander in Chief to receive them; and the said Justin Ely Esq. is hereby required to give Receipts for such Men as shall be delivered to him, and to make out such description Lists as aforesaid of them from time to time delivered over to such Continental Officers, and take Receipts thereon from them, and transmit Copies of such Lists and Receipts to the Commander in Chief of the Army, and to the Secretary's Office in this State. And it is further

*Resolved*, That if any Man shall be drafted, who shall not pass muster, or be of sufficient Ability of Body to serve in Person, he shall nevertheless hire some able-bodied Man to serve in his stead, or pay a fine of Forty-five Pounds, if of ability to pay it, in the Judgement of the major part of the Selectmen of the Town for which he is drafted, to be paid within twenty-four Hours next after his being so drafted; and in default thereof the Person drafting him shall and may issue a Warrant of Distress, directed to the Clerk of the Company, or a Constable of the Town requiring him to levy and collect the same by Distress and Sale of the Delinquent's Goods and Chattels; and the Officer to whom the Warrant of Distress shall be directed, is to be governed in the execution thereof, by the Rules prescribed by Law for Collecting



public Taxes, and any able-bodied Man who may be drafted as aforesaid and duly notified thereof, who shall not within twenty-four Hours after, procure some able-bodied effective Man in his room to the acceptance of those who drafted him, or within twenty-four Hours pay a Fine of Forty-five Pounds, shall be considered as a Soldier in the Continental Army, for the Term of nine Months from the Time he shall arrive at the Place of Rendezvous aforesaid, to every Intent and Purpose, and shall be forthwith delivered over to the Superintendant of the County where he is drafted, who shall immediately march him to the Place of Rendezvous aforesaid; and in Towns or Plantations where a Company shall be destitute of a Captain or Subaltern, to discharge the Duties enjoined by these Resolves, the Selectmen and Committees of Safety, &c. or the major part of them, or where there is but one of those Orders, such of them as may be there subsisting, shall have all the Power and Authority given by this Resolve to the Commission Officers of any Company; and the Muster-Masters already appointed by the General Court, in the several Counties, to muster Continental Soldiers, are hereby impowered and directed to muster the Men procured as aforesaid, if they are able-bodied, effective men, and for the purpose to attend at such Place or Places as the Brigadier or Commanding-Officer of the Brigade shall direct; and if by Payment of the aforesaid Fines and forfeitures throughout the Individuals of any Company, a Deficiency shall remain as to the said List, after Application of the said Fines and Forfeitures for the purpose of hiring Men, the Commissioned Officers, Selectmen, or Committees shall proceed to draft over again, having regard to Services already done, untill their Quota be compleated by hiring with Fines or drafting as aforesaid. And it is further

*Resolved*, That the Selectmen of the several Towns and Committees of Plantations in this State, from whence Men may be raised as aforesaid, are required and directed to pay to each Man Two Shillings per Mile to the Place of Destination, for their Support and carrying their Packs, and lay their Accounts before the Committee on Accounts for Allowance and Payment.

And as there has some time since passed a Resolution of Congress and of this State against inlisting Prisoners of War and Deserters from the Enemy into the Continental Army:

*Resolved*, That such Prisoners and Deserters as aforesaid, that shall be inlisted by any Town or Plantation in this State, shall not be considered to exempt such Place from filling up their Proportion and Quota aforesaid, to all Intents as though no such Prisoner or Deserter had been inlisted. And it is further

*Resolved*, That every Brigadier or the Commanding-Officer of a Brigade who shall refuse or neglect to execute and discharge the Duties enjoined upon him by these Resolves, for drafting the Men as is therein expressed, shall be forthwith dismissed from his Office of Brigadier or other Rank of Office by virtue of which he is Commanding-Officer of a Brigade; and every Commanding-Officer of a Regiment who shall refuse or neglect to discharge the Duties required of him by these Resolves, shall be reported by his Superior Officer to the General Court; and all commissioned Officers in the Counties of Suffolk, Essex, Middlesex, Plymouth, and Bristol, neglecting or disobeying the Commands of their superior Officer for drafting the Men as aforesaid, for each Man so deficient in the Company to which they belong, on the thirtieth Day of June Instant, shall severally forfeit and pay the Sum of Twenty Pounds, and Fifteen Pounds monthly for every Month after that time, until their Quota shall be compleated; and all



Commissioned Officers in the Counties of Barnstable, Worcester, Hampshire, and York, neglecting or disobeying as aforesaid, for each Man they are so deficient in the Companies to which they respectively belong, on the third Day of July next, shall severally forfeit and pay the Sum of Twenty Pounds, and a monthly Fine of Fifteen Pounds after that Time, until their Quota shall be completed; and all Commissioned Officers in the Counties of Cumberland and Berkshire, neglecting or disobeying as aforesaid, for each Man they are so deficient in the Companies to which they respectively belong, on the fifth Day of July next, shall severally forfeit and pay the Sum of Twenty Pounds, and a monthly Fine of Fifteen Pounds after that Time, until their Quota shall be completed. And all Commissioned Officers in the County of Lincoln, neglecting or disobeying as aforesaid, for each Man they are so deficient in the Companies to which they respectively belong, on the seventh Day of July next, shall severally forfeit and pay the Sum of Twenty Pounds, and a monthly Fine of Fifteen Pounds after that Time until their Quota shall be completed: And the Selectmen, Committees of Safety, Constables, or Clerks of Companies, neglecting the Duties required of them by these Resolves, respecting the Drafting and Prosecution as aforesaid, according to the Times set for the several Counties, shall individually be liable to the same Rate of Fines and Forfeitures as the Commissioned Officers last mentioned; the said Fines and Forfeitures shall be to the Use of the Town or Plantation where they may be incurred, for the Purpose of procuring Soldiers: And all Fines and Forfeitures incurred by Commissioned Officers, Selectmen, Committees of Safety, Constables, or Clerks of Companies, for omitting their Duty, as required by these Resolves, shall be sued for, in an Action of Debt, by the Town-Treasurers respectively, where any such Officer is chosen.

*Resolved*, That where any Deficiency shall remain in the Quotas by these Resolves assigned to any or either of the Towns and Plantations in the Counties of Suffolk, Essex, Middlesex, Plymouth and Bristol, on the thirtieth Day of June Instant, or in the Quotas of any or either of the Towns or Plantations in the Counties of Barnstable, Worcester, Hampshire, and York, on the third Day of July next, or in the Quotas of any or either of the Towns and Plantations in the Counties of Cumberland and Berkshire, on the fifth Day of July next, or in the Quotas of any or either of the Towns and Plantations in the County of Lincoln, on the seventh Day of July next; those deficient Towns and Plantations shall severally incur such Penalty as the General Court shall hereafter determine, for the Use of this State, for every Man they shall be deficient as aforesaid; which Sum shall be added to the next State Tax of Such Town or Plantation. And it is further

*Resolved*, That every Person procured as aforesaid, for the Term of nine Months only, shall supply himself with a good Firelock, Bayonet, Cartouch-Box, Haversack, and Blanket; and shall at the Expiration of the Time of his Services, produce a Certificate from his Captain or other Commanding Officer of his Company, that he hath been constantly provided therewith at his own Expence, shall receive for the Use of his Firelock, Bayonet, and Cartouch-Box Fifty Shillings, and for the Use of his Blanket Seven Pounds ten Shillings, and in a like Proportion for any or either of them; and if any of said Articles shall be lost, or rendered useless in the Service, without the Negligence or Fault of the Proprietor, he shall be paid the Value thereof.

And to the Intent that all able-bodied effective Men who are patriotically disposed to serve their Country's Cause may be



amply rewarded, and have something substantial in future Life to reflect upon as Marks of their Virtue, and at the same time contribute towards their Ease and Comfort therein: It is further

*Resolved*, That every able-bodied effective Man who has or shall enlist into the Continental Army during the remainder of the present War, agreeable to a Resolve of this State of the 30th of April last,<sup>1</sup> shall, over and above all the Gifts, Grants, Gratuities and Privileges therein enumerated, be intitled to one Hundred Acres of the unappropriated Lands belonging to this State, if the Honorable Congress does not include said Men among the Number of those who are intitled to said Quantity of Land, as a part of their Bounty for inlisting into the Continental Army during the War, and provided they shall pass Muster before the County Muster-Master, and be delivered to the Superintendant with a descriptive List as aforesaid, by the seventh Day of July next, who are by said Superintendant to be marched to the aforesaid Place of Rendezvous, and said Men when so enlisted shall be allowed and considered in whole or in part of the Quota, according as their Number shall be of the Town or Plantation to which they belong. It is also

*Resolved*, That the Towns and Plantations in this State shall respectively receive One Hundred and Twenty Pounds for each Man they shall procure agreeable to the foregoing Resolves, and which by said Resolves can justly and properly be considered in part or in whole of such Town's or Plantation's Quota which Sum or Sums shall be abated or taken out of their next State Tax accordingly; and that each soldier who shall be enlisted or procured agreeable to the foregoing Resolves for nine Months only, shall, at the Expiration of said Term, upon his producing a Certificate that he has served out the Time of his Inlistment, receive out of the Treasury of this State the Sum of Sixty Pounds; and in case of the Death of any Soldier in the Service, his legal Representative shall be intitled to the said Bounty in Proportion to the time of his Service. And it is further

*Resolved*, That the Men who shall be enlisted or drafted from the Militia of the several Towns in this State by force of the foregoing Resolves shall be held and returned for the Towns whereof they are Inhabitants, and no other; and that all Contracts, Bargains and Agreements, made with any Person to serve for any other Town than that whereof he is an Inhabitant, shall be null and void; and that no Soldier who belongs to any of the Guards in this State shall be exempted from the Lot or Draft mentioned in these Resolves, or be prohibited from inlisting, but each and all of them shall be considered as severally belonging to the Towns and military Companies they were detached from.

That Maj. Stephen Badlam be Superintendant for the County of Suffolk.  
Col. Israel Hutchinson for the County of Essex.  
Maj. Joseph Hosmer for the County of Middlesex.  
Maj. Noah Goodman for the County of Hampshire.  
Maj. Nathaniel Goodwin for the County of Plymouth.  
Maj. James Williams, jun., for the County of Bristol.  
Seth Washburn, Esq., for the County of Worcester.  
Nathaniel Freeman, Esq., for the County of Barnstable.  
Col. Joseph Prime for the County of York.  
Maj. James Johnson for the County of Cumberland.  
Col. James McCobb for the County of Lincoln.  
Capt. William Walker for the County of Berkshire.

And it is further

*Resolved*, That over and above the Proportion annexed to this Resolve, that each Town and Plantation within this State, that

<sup>1</sup> This date is May 1. — Province Laws, xx., 702, chap. 33.



have been deficient in compleating their full Quota of one seventh Part of their Male Inhabitants, according to the Resolve of this Court proportioning fifteen Batalions of the Continental Army on the Several Towns in this State, be and hereby is holden to compleat said Quota according to said Resolve: And if it shall so happen that any Town or Plantation within this State shall neglect fully to compleat their aforesaid Quota by the last Day of July next, to serve in the Continental Army for three Years or during the War, for each Man any Town or Plantation shall be so deficient on the last Day of July next, shall pay a Fine of Three Hundred and fifty Pounds, to be added to such deficient Town's next Tax and paid into the Treasury of this State, which Fine shall be no Excuse for such Town's Neglect: And if any Town has at any Time detached Men to serve for a short Time in the Continental Army, to make up their deficiency, upon Representation thereof to this Court by the Return of the Officer detaching them, under Oath, shall have a Deduction from the aforesaid Fine in Proportion as the Term they served is to the Term of three Years, and if any Town that may now be deficient shall on or before the last Day of July next compleat their Quota as aforesaid, who have detached their Deficiency for a short Term as aforesaid, shall be paid a Sum out of the Treasury of this State in the same Proportion, upon Representation as aforesaid: And the Committee appointed to make a Report of the Deficiency in each Town, are directed to report as soon as may be. [Passed June 9,

### THE SCHEDULE.

<i>Suffolk County.</i>		<i>Essex County.—Con.</i>		<i>Hampshire County.</i>	
Boston . . . . .	62	Methuen . . . . .	11	Springfield . . . . .	11
Roxbury . . . . .	10	Rowley . . . . .	8	Wilbraham . . . . .	8
Dorchester . . . . .	9		270	Northampton . . . . .	10
Milton . . . . .	6			Southampton . . . . .	6
Braintree . . . . .	16			Hadley . . . . .	6
Weymouth . . . . .	9	<i>Middlesex County.</i>		South-Hadley . . . . .	4
Hingham . . . . .	15	Cambridge . . . . .	11	Amherst . . . . .	6
Dedham . . . . .	5	Charlestown . . . . .	4	Granby . . . . .	3
Medfield . . . . .	5	Watertown . . . . .	6	Hatfield . . . . .	5
Walpole . . . . .	6	Woburn . . . . .	11	Whately . . . . .	3
Wrentham . . . . .	10	Concord . . . . .	8	Williamsburgh . . . . .	4
Franklin . . . . .	7	Reading . . . . .	11	Westfield . . . . .	10
Brookline . . . . .	3	Newton . . . . .	8	Deerfield . . . . .	6
Needham . . . . .	8	Marlborough . . . . .	10	Greenfield . . . . .	5
Stoughton . . . . .	14	Billerica . . . . .	8	Shelburne . . . . .	5
Stoughtonham . . . . .	6	Framingham . . . . .	9	Montague . . . . .	4
Foxborough . . . . .	5	Lexington . . . . .	6	Conway . . . . .	6
Medway . . . . .	6	Chelmsford . . . . .	7	Northfield . . . . .	5
Bellingham . . . . .	3	Sherburne . . . . .	5	Sunderland . . . . .	3
Hull . . . . .	1	Sudbury . . . . .	13	Brimfield . . . . .	6
Chelsea . . . . .	3	Malden . . . . .	6	South-Brimfield . . . . .	5
Cohasset . . . . .	4	Weston . . . . .	6	Monson . . . . .	5
	223	Medford . . . . .	6	Pelham . . . . .	5
		Littleton . . . . .	5	Greenwich . . . . .	6
<i>Essex County.</i>		Stow . . . . .	5	Blanford . . . . .	5
Salem . . . . .	28	Groton . . . . .	10	Leverett . . . . .	2
Danvers . . . . .	13	Shirley . . . . .	4	Palmer . . . . .	5
Ipswich . . . . .	22	Pepperell . . . . .	6	Granville . . . . .	8
Newbury . . . . .	20	Townsend . . . . .	5	New-Salem . . . . .	6
Newbury-Port . . . . .	22	Waltham . . . . .	5	Belchertown . . . . .	7
Marblehead . . . . .	21	Ashby . . . . .	3	Colrain . . . . .	4
Lynn . . . . .	14	Westford . . . . .	6	Ware . . . . .	4
Andover . . . . .	15	Stoneham . . . . .	2	Warwick . . . . .	5
Salisbury . . . . .	10	Hopkinton . . . . .	6	Barnardston . . . . .	4
Haverhill . . . . .	13	Natick . . . . .	3	Murrayfield . . . . .	3
Gloucester . . . . .	20	Dracut . . . . .	3	Charlemont . . . . .	3
Topshfield . . . . .	5	Bedford . . . . .	3	Buckland . . . . .	1
Boxford . . . . .	6	Holliston . . . . .	6	Ashfield . . . . .	5
Almsbury . . . . .	10	Tukesbury . . . . .	6	Chesterfield-Gore . . . . .	1
Beverly . . . . .	14	Acton . . . . .	4	Worthington . . . . .	4
Bradford . . . . .	3	Dunstable . . . . .	5	Shutesbury and . . . . .	} 4
Wenham . . . . .	7	Lincoln . . . . .	5	Ervingshire . . . . .	
Middleton . . . . .	4	Wilmington . . . . .	5	Chesterfield . . . . .	
Manchester . . . . .	4		235	Southwick . . . . .	3
				West-Springfield . . . . .	1



<i>Hampshire County — Con.</i>	<i>Worcester County — Con.</i>	<i>Cumberland County — Con.</i>
Ludlow . . . . . 3	Leicester . . . . . 6	Harpwell . . . . . 5
Norwich . . . . . 2	Spencer . . . . . 7	Gorham . . . . . 9
No. 5 . . . . . 2	Paxton . . . . . 4	Windham . . . . . 3
No. 7 or Murrayfield . . . 2	Rutland . . . . . 6	New-Gloucester . . . 4
West-Hampton . . . . . 2	Oakham . . . . . 4	Pearsonstown . . . . 2
	Barre . . . . . 8	Raymondston . . . . 1
	Hubbardston . . . . . 4	Royalsborough . . . . 1
	New-Braintree . . . . . 5	Gray . . . . . 2
	Southborough . . . . . 4	
<i>Plymouth County.</i>	Westborough . . . . . 5	80
Plymouth . . . . . 15	Northborough . . . . 3	
Scituate . . . . . 17	Shrewsbury . . . . . 9	<i>Lincoln County.</i>
Duxborough . . . . . 8	Lunenburg . . . . . 7	Pownalborough . . . . 8
Marshfield . . . . . 8	Uxbridge . . . . . 7	Woolwich . . . . . 2
Bridgewater . . . . . 31	Harvard . . . . . 8	Boothbay . . . . . 5
Middleborough . . . . . 25	Dudley . . . . . 6	Winthrop . . . . . 3
Rochester . . . . . 14	Bolton . . . . . 7	Edgecomb . . . . . 4
Plympton . . . . . 10	Upton . . . . . 3	Georgetown . . . . . 10
Pembroke . . . . . 12	Sturbridge . . . . . 9	Topsham . . . . . 3
Kingston . . . . . 6	Leominster . . . . . 6	Bristol . . . . . 6
Hanover . . . . . 7	Hardwick . . . . . 9	Winslow . . . . . 2
Abington . . . . . 9	Holden . . . . . 5	Hallowell . . . . . 3
Halifax . . . . . 4	Western . . . . . 6	Thomaston . . . . . 2
Wareham . . . . . 4	Douglass . . . . . 6	St.-Georges . . . . . 1
	Grafton . . . . . 4	New-Castle . . . . . 3
	Petersham . . . . . 8	Bowdoinham . . . . . 2
	Royalston . . . . . 4	Vassalborough . . . . 3
	Westminster . . . . . 6	Waldoborough . . . . 3
<i>Bristol County.</i>	Athol . . . . . 6	Pittston . . . . . 3
Taunton . . . . . 20	Templeton . . . . . 6	Warren . . . . . 2
Rehoboth . . . . . 22	Princetown . . . . . 4	Meduncook . . . . . 1
Swansey . . . . . 13	Ashburnham . . . . . 3	
Dartmouth . . . . . 30	Winchendon . . . . . 3	66
Norton . . . . . 8	Northbridge . . . . . 3	
Mansfield . . . . . 6	Fitchburgh . . . . . 4	<i>Berkshire County.</i>
Attleborough . . . . . 13	Ward . . . . . 3	Stockbridge . . . . . 6
Dighton . . . . . 8		Sandisfield . . . . . 6
Freetown . . . . . 10		New-Marlborough . . . 7
Rainham . . . . . 6		Sheffield and Tre-
Easton . . . . . 7		conick Mountains } 10
Berkley . . . . . 5		Lanesborough . . . . . 12
	<i>York County.</i>	Richmond . . . . . 7
	York . . . . . 14	Hancock . . . . . 5
	Kittery . . . . . 16	New-Providence . . . . 2
	Wells . . . . . 14	Williamstown . . . . . 6
<i>Barnstable County.</i>	Berwick . . . . . 17	Great-Barrington . . . 5
Barnstable . . . . . 16	Arundel . . . . . 7	New-Ashford . . . . . 1
Sandwich . . . . . 12	Biddeford . . . . . 6	Egremont . . . . . 4
Yarmouth . . . . . 14	Massabesee . . . . . 2	Alford . . . . . 3
Eastham . . . . . 10	Pepperrelborough . . . 6	Tyringham . . . . . 5
Harwich . . . . . 11	Lebanon . . . . . 3	Windsor . . . . . 4
Wellfleet . . . . . 5	Fryeburgh . . . . . 3	Loudon . . . . . 1
Chatham . . . . . 5	Sanford . . . . . 4	Lenox . . . . . 6
Truro . . . . . 5	Brownfield . . . . . 1	Becket . . . . . 3
Falmouth . . . . . 9	Buxton . . . . . 4	Pittsfield . . . . . 7
	Little-Falls . . . . . 2	Partridgefield . . . . 3
	Cox-Hall . . . . . 2	Washington . . . . . 4
		Adams . . . . . 6
<i>Worcester County.</i>		Lee . . . . . 4
Worcester . . . . . 10		Ashuelott . . . . . 2
Lancaster . . . . . 18	<i>Cumberland County.</i>	No. 7 . . . . . 1
Mendon . . . . . 13	Falmouth . . . . . 18	West-Stockbridge . . . 3
Brookfield . . . . . 16	Cape-Elizabeth . . . . 9	
Oxford . . . . . 6	North-Yarmouth . . . 10	
Charlton . . . . . 9	Scarborough . . . . . 11	
Sutton . . . . . 16	Brunswick . . . . . 5	

*Totals.*

Suffolk . . . . .	223
Essex . . . . .	270
Middlesex . . . . .	235
Hampshire . . . . .	228
Plymouth . . . . .	170
Bristol . . . . .	148
Barnstable . . . . .	87
Worcester . . . . .	286
York . . . . .	101
Cumberland . . . . .	80
Lincoln . . . . .	66
Berkshire . . . . .	123

2,017



## CHAPTER 76.

## RESOLVE ESTABLISHING PAY OF THE COMMITTEE ON PAY ROLLS.

In the House of Representatives

*Resolved*, That the Members of this House who are on the Committee for examining Pay-Rolls this present Year, shall receive their Pay in the same Manner and Proportion, as is provided for the Committee on Accounts, by a Resolve of this Court of the 28th of May last.

In Council

Read and Concurred. [*Passed June 9.*]

Legislative  
Records of the  
Council,  
xxxix., 306.  
Mass.  
Archives,  
ccxiii., 45.  
Mass.  
Resolves,  
May Session,  
chap. 68.

*Ante*, p. 8,  
chap. 4; p. 9,  
chap. 6.

## CHAPTER 77.

## RESOLVE SETTING A HEARING ON THE TAKING OF HERRING, BY THE INHABITANTS OF PLYMOUTH, IN A BROOK IN SANDWICH OR WITH SEINES IN A POND IN PLYMOUTH.

ON THE PETITION of the Hon. James Warren, Esq., in behalf of the Inhabitants of the Town of Plymouth, praying that the Inhabitants of said Town of Plymouth may have some Advantage of taking of Herring in a certain Brook running through the Town of Sandwich, or otherwise have Liberty of taking them with Seins in a certain Pond within the Town of Plymouth, as set forth in said Petition:

*Resolved*, That the Town of Plymouth serve the Town of Sandwich with an attested Copy of said Petition by leaving the same with the Town Clerk of the Town of Sandwich fourteen Days before the next Sitting of this Court, and that the Town of Sandwich appear on the second Wednesday of the next Sitting of this Court, if they see fit, and shew Cause why the Prayer of this Petition should not be granted. [*Passed June 10.*<sup>1</sup>]

Legislative  
Records of the  
Council,  
xxxix., 307.  
Mass.  
Archives,  
ccxiii., 68.  
Mass.  
Resolves,  
May Session,  
chap. 75.

Mass.  
Archives,  
ccxiii., 69.

## CHAPTER 78.

## RESOLVE GRANTING £703. 5s. 6d. TO IVORY HOVEY IN SATISFACTION OF A JUDGMENT, OBTAINED AGAINST HIM BY JOHN UNDERWOOD FOR DETAINING THE SLOOP ADVANCE BY ORDER OF THE GENERAL COURT, AND DIRECTING SAMUEL JORDAN TO SELL HER APPURTENANCES AT PUBLIC AUCTION.

ON THE PETITION of Ivory Hovey in favour of himself and others, a Committee in the County of Lincoln, commissioned by the General Court to enquire into, hear and determine all Matters relative to any Vessels supposed to have been employed in supplying the Enemy, of which Samuel Jordan, Esq., was Chairman, have Considered the same and report as follows:

*Resolved*, That the Sum of Seven Hundred and three Pounds five Shillings and six Pence be paid out of the public Treasury of this State to Ivory Hovey, to satisfy the Judgment obtained against him as one of the said Committee by John Underwood, for his detaining the Sloop Advance, by Order of the General Court, as Damage and Cost, and Samuel Jordan Esq. is hereby directed to make an Inventory of all the Appurtenances saved from the Sloop Advance, and that did belong thereto, and when

Legislative  
Records of the  
Council,  
xxxix., 308.  
Mass.  
Archives,  
ccxiii., 52.  
Mass.  
Resolves,  
May Session,  
chap. 84.

Mass.  
Archives,  
ccxiii., 53-60.  
Province  
Laws, xix., 96,  
chap. 227.

<sup>1</sup> This date is June 9 according to Massachusetts Resolves.



so inventoried, to make Sale of the same for the most it will fetch, by public Auction, observing the Rules of Law in that Case provided, and exhibit an Account of the Proceeds of the Sale of said appurtenances, with said Committee's Account of Time and Expence to this Court, for Adjustment, within three Months from the Date of this Resolve. [*Passed June 10.*]

## CHAPTER 79.

RESOLVE EXTENDING THE TIME IN WHICH THE BOARD OF WAR CAN SELL FIREARMS TO THE TOWNS AND PLANTATIONS UNTIL AUGUST 1ST.

Legislative  
Records of the  
Council,  
xxxix., 308.  
Mass.  
Archives,  
ccxxiii., 67.  
Mass.  
Resolves,  
May Session,  
chap. 82.

Province  
Laws, xx., 516,  
chap. 248; 633,  
chap. 564.

WHEREAS the Time is expired in which the Board of War were directed by a Resolve of this Court of the 9th of October last to sell Fire-Arms to the several Towns and Plantations in this State, and the Time set by the Resolves of this Court for the Sale of said Fire-Arms is expired, and it appears to this Court that several Towns and Plantations in this State have not received their Quota:

*Resolved*, That the Board of War be and they are hereby directed to continue the Sale of said Fire-Arms agreeable to the Directions in said Resolve to the Selectmen, Committees or Representatives of such Towns or Plantations, until the first Day of August next, any thing in any former Resolves to the contrary notwithstanding. [*Passed June 10.*]

## CHAPTER 80.

RESOLVE REQUIRING THE TREASURER TO RECEIVE THE MONEY, TAKEN OUT OF CIRCULATION, RECEIVED FOR TAXES BY THE CONSTABLES BEFORE MAY 29TH, BUT DELAYED BY CONTRARY WINDS, AND TO HOLD IT UNTIL FURTHER ORDER.

Legislative  
Records of the  
Council,  
xxxix., 309.  
Mass.  
Archives,  
ccxxiii., 66.  
Mass.  
Resolves,  
May Session,  
chap. 85.

*Ante*, p. 7,  
chap. 1.

WHEREAS it has been represented to this Court that sundry Constables, who had received of the Money taken out of Circulation for Taxes before the twenty-ninth Day of May Last, and have made oath that they received the same for Taxes, and took care as they thought to convey the same to Henry Gardner, Esq., Treasurer, by Water, but by contrary Winds did not arrive at Boston until the Time for taking in said Money was elapsed: Therefore

*Resolved*, That the said Henry Gardner, Esq., be and he is hereby required to receive of those Persons who have brought such Money attested to as abovesaid, and give his Certificate for the same, which Money is to remain in the Treasurer's Office until the further Order of this Court. [*Passed June 10.*]

## CHAPTER 81.

VOTE CHOOSING FIELD OFFICERS OF THE 4TH REGIMENT IN BRISTOL COUNTY.

Legislative  
Records of the  
Council,  
xxxix., 309.  
Mass.  
Archives,  
ccxxiii., 65.

In the House of Representatives

The House, by Ballot, made Choice of the following Gentlemen as Field-Officers of the fourth Regiment of Militia in the County of Bristol, viz.



Isaac Dean, . . . . .	Colonel.
Isaac Hodges, . . . . .	Lieutenant Colonel.
Elisha May, . . . . .	First Major.
Stephen Richardson, . . . . .	Second Major.

Mass.  
Resolves,  
May Session,  
chap. 79.

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In Council  
Read and Concurred. [*Passed June 10.*]

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## CHAPTER 82.

RESOLVES DISCHARGING REV. ZECHARIAH MAYHEW, MISSIONARY AMONG THE INDIANS, FROM TAXES ON HIS FARM IN CHILMARK FOR THE YEAR 1778, AND EXEMPTING HIM FROM SAME WHILE HE CONTINUES IN THE OFFICE AND OCCUPATION.

UPON THE PETITION of the Rev. Zechariah Mahew [Mayhew]<sup>1</sup> of Chilmark, in the County of Duke's-County, praying to be discharged of a certain Tax assessed on him by the Assessors of Chilmark for the Year 1778, and also to be secured from any such Demands in future, so long as he shall retain his present Office of Missionary among the Indians, for the Reasons set forth in said Petition:

Legislative  
Records of the  
Council,  
xxxix., 310.  
Mass.  
Archives,  
ccxxiii., 63.  
Mass.  
Resolves,  
May Session,  
chap. 83.

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*Resolved*, That the Prayer of the Petition be granted, and that the Assessors of Chilmark aforesaid be and they hereby are ordered and directed to discharge the said Rev. Zechariah Mahew [Mayhew] from a Tax assessed on him in the Year 1778, for a certain Farm under his immediate Care and Cultivation, as mentioned in said Petition. And it is further

Mass.  
Archives,  
ccxxiii., 64.

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*Resolved*, That the said Rev. Zechariah Mahew [Mayhew] shall not be taxed for the same in future, so long as he sustains the said Office of Missionary, and occupies the said Farm himself, unless it shall be otherwise ordered by the General Court. [*Passed June 10.*]

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## CHAPTER 83.

VOTE CHOOSING NOADIAH WARNER, ADJUTANT OF THE 4TH REGIMENT IN HAMPSHIRE COUNTY.

In the House of Representatives

The House, by Ballot, made Choice of Mr. Noadiah Warner as Adjutant to the fourth Regiment of Militia in the County of Hampshire.

In Council

Read and Concurred. [*Passed June 10.*]

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Legislative  
Records of the  
Council,  
xxxix., 310.  
Mass.  
Archives,  
ccxxiii., 62.  
Mass.  
Resolves,  
May Session,  
chap. 80.

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## CHAPTER 84.

VOTE CHOOSING JOHN HUNT, ADJUTANT OF THE 3RD REGIMENT IN MIDDLESEX COUNTY.

In the House of Representatives

The House, by Ballot, made Choice of Mr. John Hunt as Adjutant to the third Regiment of Militia in the County of Middlesex.

In Council

Read and Concurred. [*Passed June 10.*]

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Legislative  
Records of the  
Council,  
xxxix., 311.  
Mass.  
Archives,  
ccxxiii., 61.  
Mass.  
Resolves,  
May Session,  
chap. 81.

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<sup>1</sup> Massachusetts Archives, ccxxiii., 64.



## CHAPTER 85.

RESOLVE FOR PUTTING PETER LE BARBIER DUPLESSIS IN QUIET POSSESSION OF PREMISES IN BOSTON LEASED TO HIM BY THE COMMITTEE OF SEQUESTRATION.

Legislative  
Records of the  
Council,  
xxxix., 311.  
Mass.  
Archives,  
ccxxiii., 71.  
Mass.  
Resolves,  
May Session,  
chap. 78.

Mass.  
Archives,  
ccxxiii., 72-74.  
Province  
Laws, xx., 705,  
chap. 736.

ON THE PETITION of Peter LeBarbier Duplasis [Duplessis]<sup>1</sup> Esq. praying that he might be put in quiet Possession of a Dwelling House and Land, [in Boston]<sup>1</sup> leased to him by the Committee of Sequestration, and that the Persons occupying the same may be obliged to remove out:

*Resolved*, That the said Committee of Sequestration be and they hereby are directed to warn the present Possessors to leave the Premises within ten Days from the Time of Warning, and in Case they refuse and insist on keeping Possession, the Sheriff, Under-Sheriff or Constables, within the County of Suffolk, are hereby directed and impowered to go with the said Peter LeBarbier Duplasis [Duplessis] the Lessee, and put him in full and quiet Possession of the Premises by him hired agreeable to the Order of the General Court. [*Passed June 10.*]

## CHAPTER 86.

RESOLVE GRANTING £40 TO JOHN SIMONDS TO DISCHARGE DEBTS IN THE YEAR ENDING MAY 3, 1779, ON ACCOUNT OF ILL HEALTH RESULTING FROM SERVICE IN FRENCH AND INDIAN WAR.

Mass.  
Archives,  
ccxxiii., 76.  
Mass.  
Resolves,  
May Session,  
chap. 77.

Mass.  
Archives,  
ccxxiii., 77-80.

THE COMMITTEE of both Houses to whom was referred the Petition of John Simonds, [as to ill-health resulting from Service in French and Indian War]<sup>2</sup> have attended the Service assigned them, and take leave to report the following resolve.

ABRAHAM FULLER per Order

*Resolved*, That there be allowed and paid out of the public Treasury of this State the Sum of Forty Pounds to enable him to discharge the Debts he contracted for his Support, in his low State of Health in the Year past, ending the 3d Day of May 1779.

In the House of Representatives

Read and Accepted

In Council

Read and Concurred. [*Passed June 10.*]

## CHAPTER 87.

ORDER DESIRING THE PRESIDENT OF THE COUNCIL TO SIGN THE LETTER TO THE DELEGATES OF THIS STATE AT CONGRESS RELATIVE TO EXPENSES AND CHARGES ON ACCOUNT OF THE UNITED STATES BEYOND THE PROVISIONS MADE BY CONGRESS.

Legislative  
Records of the  
Council,  
xxxix., 313.  
Mass.  
Archives,  
ccci., 104-104b.

THE COMMITTEE of both Houses appointed to prepare a letter to the Delegates of this State at Congress, on the subject matter of all Expences, Provisions for Expences, and Petitions for allowances for contingent charges on account of the United States beyond the provisions made by Congress, report the annexed letter  
AARON WOOD per Order

In Council

Read and Accepted and thereupon

<sup>1</sup> Massachusetts Archives, ccxxiii., 72-74.

<sup>2</sup> *Ibid.*, ccxxiii., 77-80.



*Ordered*, That the President of the Council be and hereby is desired to sign the same in the name and behalf of the General Assembly of the State aforesaid

In the House of Representatives

Read and Concurred. [*Passed June 10.*<sup>1</sup>

#### GENTLEMEN

Frequent and numerous applications are made to the General Court of this State by Persons who have been, and some who are, Soldiers in the Continental Army and others who have been detailed at different times, to reinforce said Army and who by various inevitable Accidents, while in service, have lost their Arms, Clothing and Baggage, or have been wounded in Battle, or fallen sick on the Road and have in consequence thereof, either there or at their own homes incurred great expences, praying for allowance for their losses and expences, many of which Petitions now lie on the Table; the House supposing the Subject of them to be of Continental Concern have once or more stated these matters in letters to Congress, but no answers have been received. You are therefore directed to endeavour to obtain from Congress such direction concerning the same as may be a Rule to the General Court in such Cases, and prevent any Difficulty in passing the Accounts of this State with Congress.

There are other matters of expence very important, which on account of the State of our Currency, are constantly increasing upon us by inlisting or drafting men for the Publick Service. The Continental allowance of forty shillings per month as wages and a penny per mile in lieu of Rations is (at the present day) so very small that we have been Obliged to make very great additions, that the pay may be equal to a Soldier's Services. These Disbursements we are not authorized by any express Resolution of Congress to charge to the United States though we Judge that such a charge cannot with reason be objected to; the additional expences which accrue by raising and recruiting our Battalions in the Continental Army seem to stand pretty much on the same ground, these with the addition of an Engagement for making good the Continental Soldiers pay, as represented to Congress in a letter of the 10th of February last (to which we received no answer) constitute the greatest part of the charges of this State; and we could wish for the Decision of Congress on these matters, which are so very important to us, previous to our exhibiting our Account of Disbursements to Congress, as we apprehend it must be done previous to a Settlement of said Accounts. Whether the present be a fit and proper time to make the application you Gentlemen can best determine and to your discretion we refer the matter.

## CHAPTER 88.

RESOLVE FOR SELLING TO REV. DR. SAMUEL COOPER THE HOUSEHOLD FURNITURE OF ABSENTEES NOW LOANED TO HIM BY THE STATE AND FOR RECEIVING STATE NOTES IN PAYMENT.

ON THE PETITION of the Rev. Dr. Samuel Cooper, praying that the Household Furniture left by some of the Absentees, which the Government of this State have indulged him with the Loan of, may be sold to him at the Value which two Gentlemen of Character appraised the same at, and that the Notes of this State

Legislative  
Records of the  
Council,  
xxxix., 312.  
Mass.  
Archives,  
ccxiii., 97.  
Mass.  
Resolves,

<sup>1</sup> This date is June 11 according to Legislative Records of the Council.



May Session,  
chap. 96.

Mass.  
Archives,  
ccxxiii., 98.

which he took about that Time may be received in Payment therefor:

*Resolved*, That the said Household Furniture be sold to the said Dr. Cooper, at the Rate and for the Sum which the same was apprizd at by two Gentlemen of Character at the Time he received it, and that the Committee of Sequestration receive and pay the Money to the Treasurer of this State, taking two Receipts for the same, one of which Receipts to be lodged in the Secretary's Office. [*Passed June 11.*]

## CHAPTER 89.

RESOLVE FOR ADVANCING £200 TO EACH OF THE SUPERINTENDENTS, AND £300 TO THE COMMISSIONER FOR RAISING 2,000 MEN FOR THE CONTINENTAL ARMY.

Legislative  
Records of the  
Council,  
xxxix., 312.  
Mass.  
Archives,  
ccxxiii., 100.  
Mass.  
Resolves,  
May Session,  
chap. 91.

*Ante*, p. 38,  
chap. 75.

*Resolved*, That there be advanced and paid out of the Treasury of this State to each of the Superintendants appointed by a Resolve passed the present Session for raising Two Thousand Men for reinforcing the Continental Army, a Sum not exceeding the Sum of Two Hundred Pounds, and to the Commissioner appointed by said Resolve to receive said Men, the Sum of Three Hundred Pounds, to enable them to perform the Business assigned them by said Resolve, they severally to be accountable for the Sums they shall respectively receive. [*Passed June 11.*]

## CHAPTER 90.

RESOLVE GRANTING £8. 15s. TO CAPT. ANDREW SAMPSON IN PLACE OF BILLS, SUPPOSED TO BE COUNTERFEIT, HE RECEIVED OUT OF THE TREASURY.

Legislative  
Records of the  
Council,  
xxxix., 312.  
Mass.  
Archives,  
ccxxiii., 101.  
Mass.  
Resolves,  
May Session,  
chap. 86.

ON THE PETITION of Capt. Andrew Sampson, praying for an Allowance of Eight Pounds fifteen Shillings, on account of a like Sum which he received out of the public Treasury, in Bills supposed to be Counterfeit:

*Resolved*, That the prayer of said Petition be granted, and that there be paid out of the public Treasury of this State to the said Andrew Sampson, the Sum of Eight Pounds fifteen Shillings, in full for the Loss he sustained by receiving the Bills above mentioned, the said Andrew Sampson first making Oath that he received the said Bills out of the Treasury of this State, and lodge the same Bills with the Treasurer thereof. [*Passed June 11.*]

## CHAPTER 91.

RESOLVE APPOINTING A COMMITTEE TO REPAIR TO SUDBURY, CONSIDER ITS DIVISION AND REPORT AT THE NEXT SESSION, AT THE CHARGE OF THE PETITIONERS.

Mass.  
Archives,  
ccxxv., 93.  
Mass.  
Resolves,  
May Session,  
chap. 87.

In the House of Representatives

On the Petition of Joseph Curtis and others, Inhabitants of the Easterly Part of Sudbury,<sup>1</sup> praying they may be set off into a separate Town, for reasons mentioned in said Petition, and that a

<sup>1</sup> Set off as East Sudbury April 10, 1780; changed to Wayland March 11, 1835. — Manual for the General Court.



Committee may be appointed by this Court to view said Town of Sudbury and report a Division Line to be settled between them: Mass. Archives, ccxxv., 91, 92.

Therefore

*Resolved*, That Samuel Austin and William Brown, Esquires, with such as the Honorable Board shall join, be a Committee to repair to the Town of Sudbury, hear the Parties and view the Circumstances of said Town, and make Report to this Court on the second Wednesday of the next Sitting of the General Court what ought to be done, and that the Cost of said Committee be paid by the Petitioners.

In Council

Read and Concurred and Josiah Stone, Esq., is joined. [*Passed June 11.*]

## CHAPTER 92.

RESOLVES DIRECTING THAT THE STATE BRIGANTINE ACTIVE CRUISE ON THE EASTERN AND SOUTHERN SHORES, THAT STATE ARMED VESSELS CRUISE THERE IN ROTATION, AND MAKING ADDITIONAL APPROPRIATION FOR THE PURCHASE AND FITTING OUT OF THE ACTIVE.

*Resolved*, That the Board of War be and they are hereby directed to order the Brigantine Active, an armed Vessel now in this Harbour, and belonging to this State, to cruise on the Eastern and Southern Shores, for such Time as they may judge most for the Honour and Interest of this State; and in order that each of the armed Vessels belonging to this State may in Rotation cruise on those Shores, the Board of War are hereby further directed to order the Cruizes of the aforesaid armed Vessels that one or more of them be so employed, as Circumstances may admit, until the Season of the Year may render such Restrictions unnecessary, unless the Honorable Council, in the Recess of the General Court may see fit to give Orders to the contrary. And it is further

*Resolved*, That the Board of War be and they are hereby authorized to appropriate so much of the Monies now in their Hands and belonging to this State as will, with the Monies already subscribed, be sufficient to pay the Expences that will arise from the purchasing, and fitting for Sea the aforesaid armed Brigantine Active. [*Passed June 11.*]

Legislative  
Records of the  
Council,  
xxxix., 314.  
Mass.  
Archives,  
ccxxiii., 93<sup>1</sup>/<sub>2</sub>.  
Mass.  
Resolves,  
May Session,  
chap. 97.

## CHAPTER 93.

VOTE CHOOSING HEZEKIAH BROAD FIRST MAJOR AND JOHN GLEASON SECOND MAJOR OF THE 5TH REGIMENT IN MIDDLESEX COUNTY.

Legislative  
Records of the  
Council,  
xxxix., 315.  
Mass.  
Archives,  
ccxxiii., 93.  
Mass.  
Resolves,  
May Session,  
chap. 92.

In the House of Representatives

The House, by Ballot, made Choice of Hezekiah Broad First Major, and John Gleason Second Major, of the fifth Regiment of Militia in the County of Middlesex.

In Council

Read and Concurred. [*Passed June 11.*]



## CHAPTER 94.

RESOLVE EMPOWERING THE GUARDIAN OF REBECCA RIDGWAY, A MINOR, TO JOIN WITH THE OTHER HEIRS OF SAMUEL RIDGWAY IN THE SALE OF A HOUSE AND LAND IN THE NORTH END OF BOSTON, THE NET PROCEEDS OF HER SHARE TO BE PUT AT INTEREST TILL SHE SHALL ARRIVE AT FULL AGE.

Legislative  
Records of the  
Council,  
xxxix., 315.  
Mass.  
Archives,  
ccxiii., 90.  
Mass.  
Resolves,  
May Session,  
chap. 95.  
Mass.  
Archives,  
ccxiii., 91, 92.

ON THE PETITION of Samuel Ridgway of Boston, in the County of Suffolk, Administrator of the Estate of Samuel Ridgway, late of said Boston, deceased, praying that he may be authorized and impowered, in his said Capacity, in behalf of Rebecca Ridgway, a Minor and one of the Heirs of Samuel Ridgway aforesaid, deceased, to join with the other Heirs in the Sale of an old House and a Piece of Land in the Northerly Part of the Town of Boston aforesaid, for the Reasons set forth in his Petition:

*Resolved*, That Samuel Ridgway aforesaid be and he hereby is authorized and impowered in his said Capacity to make Sale of said Rebecca Ridgway's share of the aforesaid House and Land for the most the same will fetch, and to join with the other Heirs thereof in giving and executing a good and sufficient Deed or Deeds of the same in her behalf, he the said Samuel Ridgway giving the proper Security to the Judge of Probate for the County of Suffolk that the neat Proceeds arising by said Sale, after paying the said Minor's Proportion of the Debts due from the Estate, shall be put to Interest, and that the Principal and Interest shall be paid to the said Minor when she shall arrive to full Age, and the whole Settlement compleated with the said Judge of Probate. [*Passed June 11.*]

## CHAPTER 95.

RESOLVE GRANTING THE LIGHT DRAGOONS, ARTILLERY, INFANTRY AND ARTILLERY ARTIFICERS, ENLISTED SINCE THE 16<sup>TH</sup> OF SEPT. 1776 FOR THREE YEARS, OR DURING THE WAR, AND THOSE HEREINAFTER COMMISSIONED AND ENLISTED, THE SAME PRIVILEGES AND GRATUITIES AS THOSE IN THE FIFTEEN BATTALIONS.

Legislative  
Records of the  
Council,  
xxxix., 315.  
Mass.  
Archives,  
ccxiii., 89.  
Mass.  
Resolves,  
May Session,  
chap. 88.  
Mass.  
Archives,  
cclxxxv., 30.

*Resolved*, That all Officers, Non-commissioned Officers and Soldiers, belonging to this State, belonging to the Corps of Light Dragoons and Artillery and Infantry, and the Corps of Artillery Artificers, commissioned and inlisted since the 16th day of September 1776, for three Years or during the War; or which shall hereafter be commissioned and inlisted, not being Part of the fifteen Battalions, shall, according to a Resolution of Congress of March 15, 1779, be considered as Part of this State's Quota, and shall be intitled to receive the same Privileges and Gratuities as the Officers, Non-commissioned Officers and Soldiers of the fifteen Battalions belonging to this State are. [*Passed June 11.*]

## CHAPTER 96.

RESOLVE EMPOWERING THE GUARDIAN OF SAMUEL JENNINGS, NON COMPOS MENTIS, TO SELL PART OF HIS REAL ESTATE.

Legislative  
Records of the  
Council,  
xxxix., 316.

ON THE PETITION of Edward Mitchell, jun., of Bridgewater, in the County of Plymouth, Guardian to Samuel Jennings, of said Bridgewater, non compos mentis, praying that he may be im-



powered to sell a Part of said Jennings's Real Estate, for the Reasons set forth in his Petition:

*Resolved*, That the said Edward Mitchell, jun., in his said Capacity, be and he is hereby authorized and impowered to make Sale of so much of the said Jennings's Real Estate, the personal being already spent, as shall enable him to pay the Debts due from said Estate and support said Jennings the present Year, that Part of the Estate to be sold that the Guardian shall think most advantageous for the whole Interest, and for the most the same will fetch, and make and execute a good and lawfull Deed or Deeds of the same, and settle the Costs of Sale and Expenditure of the Remainder upon said Jennings, with the Judge of Probate for the County of Plymouth. [*Passed June 11.*]

Mass.  
Archives,  
ccxiii., 87.  
Mass.  
Resolves,  
May Session,  
chap. 89.

Mass.  
Archives,  
ccxiii., 87½,  
88.

## CHAPTER 97.

RESOLVE DIRECTING THE BRIGADIER OF MIDDLESEX COUNTY TO LAY BEFORE THIS COURT THE STATE OF THE 1<sup>ST</sup> REGIMENT IN SAID COUNTY, AND A LIST OF PERSONS SUITABLE AS OFFICERS TO FILL VACANCIES.

WHEREAS it has been represented to this Court that the first Regiment of Militia in the County of Middlesex is destitute of proper Officers to command the same, whereby great inconveniences may arise; and whereas no Person has appeared to propose a Nomination List for filling up said Regiment: Therefore

*Resolved*, That [Eleazar Brooks]<sup>1</sup> the Brigadier of the said County of Middlesex be and he hereby is directed to lay before this Court the State of the first Regiment in said County of Middlesex, and also a List of Persons suitable to be appointed as Officers to fill the Vacancies in said Regiment, if any there be as soon as may be. [*Passed June 11.*]

Legislative  
Records of the  
Council,  
xxix., 316.  
Mass.  
Archives,  
ccxiii., 86.  
Mass.  
Resolves,  
May Session,  
chap. 94.

## CHAPTER 98.

RESOLVE PERMITTING MARY GIFFORD, HER CHILD, AND HER AUNT ESTHER GLOVER, TO GO TO NEW YORK.

ON THE PETITION of Mary Gifford, praying Liberty to go to her Husband at New-York with her Family:

*Resolved*: That the Prayer of the Petition be granted for the said Mary Gifford, with her Child and her Aunt Esther Glover, to go to New-York in the first Cartel, and that she be allowed to carry with her two Beds and Bedding with two Trunks of Cloathing, they being subject to the Inspection of the Committee of Correspondence of the Town of Boston, and that neither she, nor any of her Family, be permitted to return again to this State. [*Passed June 11.*]

Legislative  
Records of the  
Council,  
xxxix., 317.  
Mass.  
Archives,  
ccxiii., 84.  
Mass.  
Resolves,  
May Session,  
chap. 93.

## CHAPTER 99.

RESOLVE FOR PRINTING AND PUBLISHING THE ADDRESS OF CONGRESS TO THE INHABITANTS OF THE UNITED STATES.

*Resolved*, That the following Address be printed in Hand-Bills and sent to the several Ministers of the Gospel in the Towns and Parishes within this State, and the said Ministers are hereby requested to read the same to their respective religious Assemblies

Legislative  
Records of the  
Council,  
xxxix., 317-323.  
Mass.  
Resolves,

<sup>1</sup> Province Laws, xx., 534, chap. 291.



May Session,  
chap. 90.

Mass.  
Archives,  
ccxxiii., 83.

the first Sabbath after receiving the same, immediately after Divine Service; also to the respective Town-Clerks in the several Towns, and to the Committee of Correspondence in each Plantation within this State, who are hereby directed to communicate the same to the Inhabitants of their respective Towns and Plantations in the most expeditious Manner. And the Secretary is hereby directed to cause the said Address to be printed and dispersed as above directed, without loss of Time.

*"To the Inhabitants of the United States of America*

**"FRIENDS AND COUNTRYMEN,**

"THE present situation of public affairs demands your most serious attention, and particularly the great and increasing depreciation of your currency requires the immediate, strenuous, and united efforts of all true friends to their country, for preventing an extension of the mischiefs that have already flowed from that source.

"America, without arms, ammunition, discipline, revenue, government, or ally, almost totally stript of its commerce, and in the weakness of youth, as it were with a "staff and a sling" only, dared "in the name of the Lord of Hosts" to engage a gigantic adversary, prepared at all points, boasting of his strength, and of whom even mighty warriors "were greatly afraid."

"For defraying the expences of this uncommon war your representatives in Congress were obliged to emit paper money; an expedient that you knew to have been before generally and successfully practised on this continent.

"They were very sensible of the inconveniences with which too frequent emissions would be attended, and endeavored to avoid them. For this purpose they established loan-offices so early as in October 1776, and have from that time to this repeatedly and earnestly solicited you to lend them money on the faith of the United States. The sums received on loan have nevertheless proved inadequate to the public exigencies. Our enemies prosecuting the war by sea and land with implacable fury and with some success, taxation at home and borrowing abroad, in the midst of difficulties and dangers, were alike impracticable. Hence the continued necessity of new emissions.

"But to this cause alone we do not impute the evil before mentioned. We have too much reason to believe it has been in part owing to the artifices of men who have hastened to enrich themselves by monopolizing the necessities of life, and to the misconduct of inferior officers employed in the public service.

"The variety and importance of the business entrusted to your delegates, and their constant attendance in Congress, necessarily disables them from investigating disorders of this kind. Justly apprehensive of them, they by their several resolutions of the 22d of November and 20th of December 1777, and of the 3d and 9th of February 1778, recommended to the legislative and executive powers of these states a due attention to these interesting affairs. How far those recommendations have been complied with we will not undertake to determine; but we hold ourselves bound in duty to you to declare, that we are not convinced there has been as much diligence used in detecting and reforming abuses as there has been in committing or complaining of them.

"With regard to monopolizers, it is our opinion, that taxes judiciously laid on such articles as become the objects of engrossers, and those frequently collected, would operate against the pernicious tendency of such practices.

"As to inferior officers employed in the public service, we ANXIOUSLY desire to call your most vigilant attention to their conduct with respect to every species of misbehaviour, whether proceeding from ignorance, negligence or fraud, and to the making of laws for inflicting exemplary punishments on all offenders of this kind.

"We are sorry to hear that some persons are so slightly informed of their own interests as to suppose that it is advantageous to them to sell the produce of their farms at enormous prices, when a little reflection might convince them that it is injurious to those interests and the general welfare. If they expect thereby to purchase imported goods cheaper, they will be egregiously disappointed; for the merchants, who know they cannot obtain returns in gold, silver, or bills of exchange, but that their vessels if loaded here at all must be loaded with produce, will raise the price of what they have to sell, in proportion to the price of what they have to buy; and consequently the land-holder can purchase no more foreign goods for the same quantity of his produce than he could before.

"The evil however, does not stop at this point. The land-holder by acting on this mistaken calculation is only labouring to accumulate an immense debt by increasing the public expences, for the payment of which his estate is engaged, and to embarrass every measure adopted for vindicating his liberty and securing his prosperity.

"As the harvests of this year, which by the divine goodness promise to be plentiful, will soon be gathered, and some new measures relating to your foreign concerns, with some arrangements relating to your domestic, are now under consideration, from which beneficial effects are expected, we entertain hopes that your affairs will acquire a much greater degree of regularity and energy than they have hitherto had.

"But we should be highly criminal if we did not plainly tell you that those hopes are not founded wholly upon our own proceedings. These must be supported by your virtue, your wisdom, and your diligence. From the advantage of those seats in the national council in which you have honored us, we have a pleasing prospect of many blessings approaching this our native land. It is your patriotism must introduce and fix them here.

"In vain will it be for your delegates to form plans of œconomy; to strive to stop a continuation of emissions by taxation or loan, if you do not zealously co-operate with them in promoting their designs, and use your utmost industry to prevent the



waste of money in the expenditure, which your respective situations in the several places where it is expended may enable you to do. A discharge of this duty and a compliance with recommendations for supplying money, might enable Congress to give speedy assurances to the public that no more emissions shall take place, and thereby close that source of depreciation.

"Your governments being now established, and your ability to contend with your invaders ascertained, we have, on the most mature deliberation, judged it indispensably necessary to call upon you for forty-five millions of dollars, in addition to the fifteen millions required by a resolution of Congress of the 2d of January last, to be paid into the continental treasury before the 1st day of January next, in the same proportion as to the quotas of the several states, with that for the said fifteen millions.

"It appeared proper to us to fix the first day of next January for the payment of the whole; but as it is probable that some states, if not all, will raise part of the sums by installments or otherwise, before that time, we recommend in the strongest manner the paying as much as can be collected as soon as possible into the continental treasury.

"Though it is manifest that moderate taxation in times of peace will recover the credit of your currency, yet the encouragement which your enemies derive from its depreciation, and the present exigencies demand great and speedy exertions.

"We are persuaded you will use all possible care to make the promotion of the general welfare interfere as little as may be with the ease and comfort of individuals; but tho' the raising these sums should press heavily on some of our constituents, yet the obligations we feel to your venerable clergy, the truly helpless widows and orphans, your most gallant, generous, meritorious officers and soldiers, the public faith and the common weal, so irresistibly urge us to attempt the appreciation of your currency, that we cannot withhold obedience to those authoritative sensations.

"On this subject we will only add that as the rules of justice are most pleasing to our infinitely good and gracious Creator, and an adherence to them most likely to obtain his favour, so they will ever be found to be the best and safest maxims of human policy.

"To our constituents we submit the propriety and purity of our intentions, well knowing they will not forget, that we lay no burthens upon them, but those in which we participate with them—a happy sympathy, that pervades societies formed on the basis of equal liberty. Many cares, many labours, and, may we not add, reproaches—are peculiar to us. These are the emoluments of our unsolicited stations; and with these we are content, if you approve our conduct. If you do not, we shall return to our private condition with no other regret, than that which will arise from our not having served you as acceptably and essentially as we wished and strove to do, though as cheerfully and faithfully as we could.

"Think not we despair of the commonwealth, or endeavour to shrink from opposing difficulties. No. Your cause is too good, your objects too sacred, to be relinquished. We tell you truths, because you are freemen who can bear to hear them, and may profit by them; and when they reach your enemies we fear not the consequences, because we are not ignorant of their resources or our own. Let your good sense decide upon the comparison. Let even their prejudices decide upon it, and you need not be apprehensive of the determination.

"Whatever supposed advantages from plans of rapine, projects of blood, or dreams of domination, may heretofore have amused their inflamed fancies, the conduct of one monarch, the friend and protector of the rights of mankind, has turned the scale so much against them, that their visionary schemes vanish as the unwholesome vapours of night before the healthful influences of the sun.

"An alliance has been formed between his Most Christian Majesty and these States, on the basis of the most perfect equality, for the direct end of maintaining effectually their Liberty, Sovereignty and Independence, absolute and unlimited, as well in matters of government as of commerce. The conduct of our good and great Ally towards us in this instance and others, has so fully manifested his sincerity and kindness, as to excite on our part correspondent sentiments of confidence and affection.

"Observing the interests of his kingdom, to which duty and inclination prompted his intention, to be connected with those of *America*, and the combination of both clearly to coincide with the beneficent designs of the Author of nature, who unquestionably intended men to partake of certain rights and portions of happiness, his Majesty perceived the attainment of these views to be founded on the single proposition of a separation between *America* and *Great-Britain*.

"The resentment and confusion of your enemies will point out to you the ideas you should entertain of the magnanimity and consummate wisdom of his most Christian Majesty on this occasion.

"They perceive, that selecting this grand and just idea from all those specious ones that might have confused or misled inferior judgment or virtue, and satisfied with the advantages which must result from that event alone, he has cemented the harmony between himself and these States, not only by establishing a reciprocity of benefits, but by eradicating every cause of jealousy and suspicion. They also perceive with similar emotions, that the moderation of our Ally in not desiring an acquisition of dominion on this continent, or an exclusion of other nations from a share of its commercial advantages, so useful to them, has given no alarm to those nations, but in fact has interested them in the accomplishment of this generous undertaking to dissolve the monopoly thereof by *Great-Britain*, which has already contributed to elevate her to her present power and haughtiness, and threatened, if continued, to raise both to a height insupportable to the rest of Europe.

"In short, their own best informed statesmen and writers confess, that your cause is exceedingly favored by courts and people in that quarter of the world, while that of your adversaries is equally reprobated; and from thence drawn ominous and well grounded conclusions, that the final event must prove unfortunate to the latter. Indeed, we have the best reason to believe that we shall soon form other Alliances, and on principles honorable and beneficial to these States.

"Infatuated as your enemies have been from the beginning of this contest, do you



imagine they can now flatter themselves with a hope of conquering you, unless you are false to yourselves?

"When unprepared, undisciplined, and unsupported you opposed their fleets and armies in full conjoined force, then, if at any time, was conquest to be apprehended. Yet what progress towards it have their violent and incessant efforts made? Judge from their own conduct. Having devoted you to bondage, and after vainly wasting their blood and treasure in the dishonorable enterprize they deigned at length to offer terms of accommodation with respectful addresses to that once despised body the Congress, whose humble supplications ONLY for Peace, Liberty, and Safety, they had contemptuously rejected, under pretence of its being an unconstitutional assembly. Nay more; desirous of seducing you into a deviation from the paths of rectitude, from which they had so far and so rashly wandered, they made most specious offers to tempt you into a violation of your faith given to your illustrious Ally. Their arts were as unavailing as their arms—Foiled again, and stung with rage, embittered by envy, they had no alternative, but to renounce the inglorious and ruinous controversy, or to resume their former modes of prosecuting it. They chose the latter. Again the savages are stimulated to horrid massacres of women and children, and domestics to the murder of their masters. Again our brave and unhappy brethren are doomed to miserable deaths in gaols and prison ships. To complete the sanguinary system, all the "EXTREMITIES of War" are by authority denounced against you.

"Piously endeavour to derive this consolation from their remorseless fury, that "the Father of Mercies" looks down with disapprobation on such audacious defiance of his holy laws; and further comforted with recollecting, that the aims assumed by you in your righteous cause, have not been sullied by any unjustifiable severities.

"Your enemies despairing however, as it seems, of the success of their united forces against our main army, have divided them, as if their design was to harrass you by predatory, desultory operations. If you are assiduous in improving opportunities, *Saratoga* may not be the only spot on this continent to give a new denomination to the baffled troops of a nation impiously priding herself in notions of her omnipotence.

"Rouse yourselves therefore, that this campaign may finish the great work you have so nobly carried on for several years past. What nation ever engaged in such a contest under such a complication of disadvantages, so soon surmounted many of them, and in so short a period of time had so certain a prospect of a speedy and happy conclusion. We will venture to pronounce that so remarkable an instance exists not in the annals of mankind. We well remember what you said at the commencement of this war. You saw the immense difference between your circumstances and those of your enemies, and you knew the quarrel must decide on no less than your lives, liberties and estates. All these you greatly put to every hazard, resolving rather to die freemen than to live slaves; and justice will oblige the impartial world to confess you have uniformly acted on the same generous principle. Consider how much you have done, and how comparatively little remains to be done to crown you with success. Persevere; and you ensure Peace, Freedom, Safety, Glory, Sovereignty, and Felicity to Yourselves, your Children, and your Children's Children.

"Encouraged by favours already received from infinite goodness, gratefully acknowledging them, earnestly imploring their continuance, constantly endeavoring to draw them down on your heads by an amendment of your lives and a conformity to the divine will, humbly confiding in the protection so often and wonderfully experienced, vigorously employ the means placed by Providence in your hands, for completing your labours.

"Fill up your battalions—be prepared in every part to repel the incursions of your enemies—place your several quotas in the continental treasury—lend money for public uses—sink the emissions of your respective states—provide effectually for expediting the conveyance of supplies for your armies and fleets, and for your allies—prevent the produce of the country from being monopolized—effectually superintend the behavior of public officers—diligently promote piety, virtue, brotherly-love, learning, frugality and moderation—and may you be approved before Almighty God worthy of those blessings we devoutly wish you to enjoy.

"Done in CONGRESS, by unanimous Consent, this 26th Day of *May* 1779.

"JOHN JAY, President.

"Attest. CHARLES THOMPSON, Secretary."

[*Passed June 11.*]<sup>1</sup>

## CHAPTER 100.

RESOLVE GRANTING £30 TO SAMUEL MATTOON FOR ONE HORSE FURNISHED FOR TICONDEROGA EXPEDITION IN 1775, THE ORDER FOR WHICH WAS LOST IN THE GENERAL COURT.

In the House of Representatives

On the Petition of Samuel Mattoon, praying for Allowance for an Order drawn in his Favour on the Honorable Committee of Safety of this State in May 1775, by Jonathan Brown and Eleazer Oswald, for one Horse sold them when on the Expedition to

<sup>1</sup> This date is same in Massachusetts Resolves, but is June 12 according to Legislative Records of the Council.



Ticonderoga, by Order of said Committee of this State; and whereas it is made to appear to this House that said Order was presented to a late General Court of this State and was ordered to lay on the Table, but by some Accident is Lost: Therefore

*Resolved*, That the Prayer of said Petition be granted, and that there be paid out of the public Treasury of this State to the said Samuel Mattoon, in full discharge for said Order, the Sum of Thirty Pounds.

In Council

Read and Concurred. [*Passed June 12.*]

May Session,  
chap. 104.

Mass.  
Archives,  
ccxxiii., 109,  
110.

## CHAPTER 101.

RESOLVE GRANTING £50 TO ROBERT MILLER, WHO LOST AN ARM AT LOUISBURG IN 1745, IN FULL OF HIS PENSION FOR 5 YEARS PAST, ENDING JAN. 21, 1779.

ON THE PETITION of Robert Miller, shewing that in the Year 1745, at the Siege of Louisburg, he lost an Arm in the Service of this State, and that for near twenty Years he received a Pension from said State, and that for five Years past, from the second Day of January last, he hath not received any, he therefore prays an Allowance for the same:

*Resolved*, That the Prayer of the Petition be so far granted as that the Sum of Fifty Pounds be allowed and paid out of the public Treasury of this State to the Hon. Joseph Simpson, Esq., for the Use of the Petitioner, in full for his Pension for five Years past, ending the twenty-first Day of January 1779. [*Passed June 12.*]

Legislative  
Records of the  
Council,  
xxxix., 324.  
Mass.  
Archives,  
ccxxiii., 103.  
Mass.  
Resolves,  
May Session,  
chap. 105.

Mass.  
Archives,  
ccxxiii., 104.

## CHAPTER 102.

RESOLVES APPOINTING EBENEZER WALES, ESQ., CAPT. AMASA DAVIS, AND CAPT. JOSIAH BATCHELDER, JUN., A COMMITTEE TO PURCHASE SMALL STORES FOR THE PART OF THE CONTINENTAL ARMY RAISED IN THIS STATE, AND GRANTING THEM £20,000.

*Resolved*, That Ebenezer Wales, Esq., Capt. Amasa Davis, and Capt. Josiah Batchelder, jun., be and they hereby are appointed a Committee for the purpose of purchasing from Time to Time, until the further Order of the General Court, such Quantities of Slops and small Stores as they or the major Part of them shall think necessary for the Relief and Comfort of that Part of the Continental Army raised in this State, and the said Committee are directed to Receive from the Board of War, who are hereby directed to deliver the same, any Articles they may have on Hand suitable for said Purpose; and the said Committee are further directed to deliver the Stores they may purchase, with those they may receive from the Board of War, to the Conductor appointed to transport them to the Army in such Quantities as they shall judge best: And it is further

*Resolved*, That there be paid out of the Treasury of this State to the said Committee the Sum of Twenty Thousand Pounds, to enable them to execute the said Business, they to be accountable for the Sums they shall respectively receive, as also for any Stores they may receive from the Board of War. [*Passed June 12.*]

Legislative  
Records of the  
Council,  
xxxix., 324.  
Mass.  
Archives,  
ccxxiii., 105.  
Mass.  
Resolves,  
May Session,  
chap. 103.



## CHAPTER 103.

RESOLVES REMITTING A FINE OF £300 AND £90 BOUNTY TO THE TOWN OF WORCESTER AND CALLING UPON THE TOWN OF WARD TO SHOW REASON WHY THEY SHOULD NOT BE FINED FOR DEFICIENCY IN RAISING THE NINE MONTHS' MEN TO FILL UP THE FIFTEEN BATTALIONS.

Legislative  
Records of the  
Council,  
xxxix., 325.  
Mass.  
Archives,  
ccxxiii., 107.  
Mass.  
Resolves,  
May Session,  
chap. 109.

Province  
Laws, xx., 357,  
chap. 947; 367,  
chap. 970.

WHEREAS it appears to the Committee who were appointed to take into Consideration the Cases of all Towns who have been fined, that the Town of Worcester has been overcharged in the last Tax the Sum of Three Hundred and ninety Pounds, by Reason of said Town being fined the Sum of Three Hundred Pounds for Deficiency in raising three Men for the Term of nine Months, to compleat and fill up the fifteen Battalions, which three Men were actually raised by said Town, whereby said Town was intituled to the Thirty Pounds Bounty, by the Resolve of this Court, which amounts to Ninety Pounds, which is not allowed to the Town in said Tax: Therefore

*Resolved*, That the Treasurer of this State be and is hereby directed to pay out of the public Treasury to the Town of Worcester the Sum of Three Hundred and ninety Pounds, which Sum they were overcharged with in the last Tax.

And whereas it appears that the Town of Ward has returned two Men belonging to the Town of Worcester: Therefore

*Resolved*, That the Town of Ward be notified of the above Resolve by the Clerk of the Town of Worcester, and be directed to appear on the second Wednesday of the next Sitting of this Court, and shew the Reason, if any they have, why they should not be fined, for the Deficiency of these two Men. [*Passed June 12.*]

## CHAPTER 104.

RESOLVE GRANTING £50. 3s. 8d. TO THOMAS KEMPTON FOR SUPPLYING A COMPANY OF THE TRAIN AT DARTMOUTH WITH PROVISIONS IN SEPTEMBER, 1778.

Legislative  
Records of the  
Council,  
xxxix., 326.  
Mass.  
Resolves,  
May Session,  
chap. 110.

ON THE PETITION of Thomas Kempton, one of the Selectmen of the Town of Dartmouth:

*Resolved*, That there be allowed and paid to him out of the public Treasury of this State the Sum of Fifty Pounds, three Shillings and eight Pence, in full Discharge of his Account for supplying a Company of the Train stationed at Dartmouth with Provisions, September 1778. [*Passed June 12.*]

## CHAPTER 105.

RESOLVE PERMITTING THE SELECTMEN OF DANVERS TO CUT DECAYING WOOD ON THE LAND OF JOHN LINDALL BORLAND, ABSENTEE, TO SUPPLY SOLDIERS' FAMILIES.

Legislative  
Records of the  
Council,  
xxxix., 326.  
Mass.  
Archives,  
ccxxiii., 121.  
Mass.  
Resolves,

ON THE PETITION of the Selectmen of the Town of Danvers, praying they may have Leave to cut and carry off some of the old decaying Wood on the Land of John Lindall Borland, an Absentee, laying within the said Town of Danvers:

*Resolved*, That the Prayer of the Petition be granted, and that the Selectmen of the Town of Danvers be and they hereby are



impowered to cut and carry off of said Land of John Lindall Borland, an absentee some of the old decaying Wood, not to exceed twenty Cords, to supply the Families of those Soldiers mentioned in said Petition; the said Selectmen to render an Account under Oath to this Court, of the Quantity of Wood they shall so Cut and carry off, and pay for the same as this Court shall order. [*Passed June 12.*]

May Session,  
chap. 101.  
Mass.  
Archives,  
ccxxiii., 122.

## CHAPTER 106.

RESOLVE DIRECTING THE TREASURER TO RECALL AN EXECUTION AGAINST JOSEPH BRAGDON AND TO DISCHARGE HIM OF £83. 6s. 4d. PAID THE LATE TREASURER.

ON THE PETITION of Joseph Bragdon, praying for the staying of an Execution made out against him by the Treasurer of this State, and that he may be allowed the Money he paid to Harrison Gray, Esq., late Treasurer of this State:

*Resolved*, That the Prayer of the Petition be granted, and that Henry Gardner, Esq., Treasurer of this State is hereby directed to recall the Execution he issued against said Bragdon, and likewise discharge him of the Sum of Eighty-three Pounds six Shillings and four Pence, which he paid to the late Treasurer Gray, which he had not been credited for. [*Passed June 12.*]

Legislative  
Records of the  
Council,  
xxxix., 326.  
Mass.  
Archives,  
ccxxiii., 123.  
Mass.  
Resolves,  
May Session,  
chap. 100.  
Mass.  
Archives,  
ccxxiii., 124-  
126.

## CHAPTER 107.

RESOLVE DIRECTING THE COMMITTEE OF CORRESPONDENCE, INSPECTION AND SAFETY OF WOBURN TO HOLD ESTATE OF THOMAS AUSTIN COFFIN, ABSENTEE, THOUGH CLAIMED BY HIS SISTER.

ON THE PETITION of the Committee of Correspondence, Inspection and Safety, of the Town of Woburn, praying for Direction how to conduct with regard to a Farm situated in said Town of Woburn, belonging to Thomas Austin Coffin, who fled to the Enemy for Protection, which Farm is now claimed by Virtue of a Deed said to be made by the said Coffin, conveying the same to his Sister:

*Resolved*, That the said Committee of Correspondence, &c. for the Town of Woburn be and hereby are directed to proceed with said Farm in the same Manner they have done for three Years past, the said Deed and Claim notwithstanding, and that no Process in Law against the said Committee, or the Tenant holding the said Farm under them, be sustained in any Court, until the further Order of this Court. [*Passed June 12.*]

Legislative  
Records of the  
Council,  
xxxix., 327.  
Mass.  
Archives,  
ccxxiii., 111.  
Mass.  
Resolves,  
May Session,  
chap. 99.  
Mass.  
Archives,  
ccxxiii., 112.

## CHAPTER 108.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER TO SAMUEL FREEMAN, ESQ., FIREARMS FOR THE TOWN OF FALMOUTH, CUMBERLAND COUNTY, ACCORDING TO RESOLVE OF OCT. 9TH LAST.

*Resolved*, That the Board of War be and hereby are directed to deliver to Samuel Freeman, Esq., the Proportion of Fire-Arms which the Town of Falmouth [Cumberland County]<sup>1</sup> are intitled

Legislative  
Records of the  
Council,  
xxxix., 327.  
Mass.  
Archives,  
ccxxiii., 130.  
Mass.  
Resolves,  
May Session,  
chap. 106.

<sup>1</sup> Province Laws, xx., 422.



Mass.  
Archives,  
ccxxxv., 30.  
Province  
Laws, xx., 516,  
chap. 248.

to by a Resolve of the 9th October last, said Freeman giving his Security to pay for the same on or before the first Day of August next, and engaging to deliver them to the Selectmen of said Town to be disposed of as by said Resolve is directed. [*Passed June 12.*]

## CHAPTER 109.

RESOLVE DIRECTING JIREH WILLIS TO REPAY £121. 12s. 8d., GRANTED HIM THE 18<sup>TH</sup> OF JANUARY LAST, INTO THE TREASURY, THE SAME HAVING BEEN INCLUDED IN A GRANT TO ALDEN SPOONER OF EVEN DATE.

Legislative  
Records of the  
Council,  
xxxix., 328.  
Mass.  
Archives,  
ccxxiii., 129.  
Mass.  
Resolves,  
May Session,  
chap. 98.

Province  
Laws, xx., 554,  
chap. 353.

WHEREAS by a Resolve of the Great and General Court of this State, passed the 18th of January last, the Sum of One Hundred and twenty one Pounds twelve Shillings and eight Pence was paid to Jireh Willis for supplying the Militia with Provisions on the Alarm at Dartmouth, in the Month of September last, which said Sum appears to this Court to be included in the Sum paid Mr. Alden Spooner, for like Supplies, by a Resolve of Court of the same Date as the aforegoing: Therefore

*Resolved*, That the said Jireh Willis be and he hereby is directed and required to pay the said Sum of One Hundred and twenty-one Pounds, twelve Shillings and eight Pence into the Treasury of this State, and that he take duplicate Receipts therefor, and lodge one of them in the Secretary's Office, which shall be his full Discharge for said Sum. [*Passed June 12.*]

## CHAPTER 110.

RESOLVE FOR SENDING JOHN LOVELL, PRISONER IN BOSTON GAOL, TO NEW YORK.

Legislative  
Records of the  
Council,  
xxxix., 328.  
Mass.  
Archives,  
ccxxiii., 120.  
Mass.  
Resolves,  
May Session,  
chap. 107.

*Ante*, p. 36,  
chap. 69.

WHEREAS John Lovell, now in Boston Gaol, has several Times petitioned the General Court for Liberty to go to some Place in the Possession of the Enemy, and whereas this Court have granted the said Lovell Liberty to go in the first Cartel to New-York, but the Commissary of Prisoners represents that he refuses to go in said Cartel: Therefore

*Resolved*, That the Honorable Council be requested to issue their Warrant to the Sheriff of the County of Suffolk directing him to take the said Lovell from the said Gaol and deliver him to Joseph Henderson, Esq., Commissary of Prisoners, who is hereby directed to send him in the Cartel now bound to New-York. [*Passed June 12.*]

## CHAPTER 111.

RESOLVE CONTINUING FROM TERM TO TERM THE APPEALS OF JOICHIM DE LUCA AND JOSEPH DE LLANOS FROM DECISION OF THE MARITIME COURT, IN ORDER THAT AN APPEAL MAY BE MADE TO CONGRESS.

Legislative  
Records of the  
Council,  
xxxix., 329.  
Mass.  
Archives,  
ccxxiii., 114.  
Mass.  
Resolves,

ON THE PETITION of Joichim de Luca and Joseph de Llanos, praying for Reasons set forth in their Petition, that an Appeal may be allowed to Congress in certain Causes hereinafter mentioned. And whereas Congress by certain Resolves, past in March last, declared that Appeals ought to be allowed to them in all



Maritime Causes whatever, and there is not Time between this and the Day appointed for the Trial of said Causes for this Court to determine whether Appeals shall be allowed to Congress in the same or not: Therefore

May Session,  
chap. 108.

Mass.  
Archives,  
ccxxiii., 115,  
116.

*Resolved*, That the Causes now pending in the Superior Court, &c. to be holden at Ipswich, in the County of Essex, on Tuesday the 15th Instant, wherein the said Joichim de Luca is Appellant, from the Maritime Court for the Middle District of this State, against the Libellants of Ship St. Francisco de Paula alias El Valenciano, her Cargo, &c. and the said Joseph de Llanos is Appellant from the said Maritime Court against the Libellants of the Ship St. Andrés lo Santo Martyr, her Cargo &c. be continued from the said Superior Court to be holden at Ipswich, as aforesaid, to the next Term of said Court within said District, and so from Term to Term, within said District, till the further Order of this Court, and the said Superior Court is hereby directed to take Notice of the same accordingly. [*Passed June 12.*]

## CHAPTER 112.

RESOLVE APPOINTING A COMMITTEE TO REPAIR TO LANCASTER, CONSIDER ITS DIVISION, AND REPORT AT THE NEXT SESSION.

ON THE PETITION of the Committee of the second Precinct in Lancaster, praying, in behalf of said Precinct, that they may be incorporated into a distinct and separate Town, according to the Bounds set in the Act for incorporating them into a Precinct, which Petition being read, together with the Answer of the Committee of the first Precinct in said Lancaster, praying that a Committee may be appointed by this Court to repair to the Town of Lancaster, to view the Situation and Circumstances of the Town, and give the Parties a full Hearing on the Premises:

Mass.  
Resolves,  
May Session,  
chap. 102.

Province  
Laws, xlii.,  
p. 168, chap.  
93.

*Resolved*, That Edward Rawson, Esq., Col. Israel Hutchinson and Maj. Joseph Hosmer, be a Committee to repair to the Town of Lancaster, and view the Situation and Circumstances of said Town, and hear the Parties, and report to this Court on the first Tuesday of the next Sitting of the General Court, what is proper to be done. [*Passed June 12.*]

## CHAPTER 113.

RESOLVE EMPOWERING MRS. SARAH GEE TO SELL REAL ESTATE OF HER LATE HUSBAND REV. JOSHUA GEE, PROVIDED THAT THE RESIDUE, AT HER DECEASE, GO TO HIS HEIRS.

ON THE PETITION of Sarah Gee, praying for Liberty to sell the Real Estate of her late Husband, Mr. Joshua Gee, for Reasons set forth in said Petition:

*Resolved*, That the Prayer of the Petition be granted, and that the Petitioner be and hereby is empowered to make Sale of the whole or part of the Real Estate in her Petition mentioned, for the most it will fetch, and make and execute a good Deed or Deeds thereof, she observing the Directions of the Law relating to the Sale of Real Estates by Executors and Administrators, and giving Security to the Judge of Probate for the County of Suffolk that what may be left of the Proceeds of said Estate, after her

Legislative  
Records of the  
Council,  
xxxix., 329.

Mass.  
Archives,  
ccxxiii., 137.

Mass.  
Resolves,  
May Session,  
chap. 111.

Mass.  
Archives,  
ccxxiii., 138.  
Province  
Laws, ii., 151,  
chap. 10.



Decease, over and above what may be necessary for her Support, paying her Debts and Funeral Charges, shall go to the Legal Heirs of her late Husband the Rev. Mr. Gee deceased. [*Passed June 14.*]

## CHAPTER 114.

RESOLVE REQUIRING COL. GERRISH TO RETURN THE ARMS AND ACCOUTREMENTS, WHICH HE RECEIVED FROM THE BOARD OF WAR FOR HIS REGIMENT, OR THEIR EQUIVALENT, WITH PAYMENT FOR THEIR USE.

Legislative  
Records of the  
Council,  
xxxix., 330.  
Mass.  
Archives,  
ccxxiii., 133.  
Mass.  
Resolves,  
May Session,  
chap. 112.

Mass.  
Archives,  
ccxxiii., 135.  
Province  
Laws, xx.,  
483, chap. 152.

ON THE MEMORIAL of Col. Jacob Gerrish, praying that a Price may be set on the Arms, Bayonets, Cartridge-Boxes, &c. that he received of the Board of War to supply the Regiment late under his Command:

*Resolved*, That Col. Jacob Gerrish be and hereby is required to return all the Arms, Bayonets, Cartridge-Boxes, &c. which he received the last Summer, by Order of the late General Court, for supplying the Regiment then under his Command, to the Board of War; and if it is out of his Power to return the whole Number, that he be and hereby is directed to pay the Board of War the Sum of Twelve Pounds for each Fire-Arm, Forty Shillings for each Bayonet, and Thirty Shillings for each Cartridge-Box, &c. that he shall be thus deficient in returning, and the Board of War are hereby directed to receive the Money for each Fire-Arm, Bayonet, Cartridge-Box, &c. as above directed, in full Discharge of those Fire-Arms, Bayonets, Cartridge-Boxes, &c. the said Col. Gerrish received and has not or shall not forthwith return to the Board of War, and also that he pay to the Board of War Four Shillings and six Pence for the Use of each Fire-Arm and Accoutrements by him returned, agreeable to a former Resolve of the General Court of this State. [*Passed June 14.*]

## CHAPTER 115.

RESOLVE EMPOWERING ANY TWO, OR WHEN MORE ARE PRESENT THE MAJOR PART, OF THE DELEGATES AT CONGRESS TO EXERCISE ALL THE POWERS MENTIONED IN A RESOLVE PASSED OCT. 15TH LAST.

Legislative  
Records of the  
Council,  
xxxix., 332.  
Mass.  
Archives,  
ccxxiii., 142.  
Mass.  
Resolves,  
May Session,  
chap. 113.

Province  
Laws, xx., 535,  
chap. 293.

WHEREAS Inconveniences may arise in Consequence of a Resolve of the General Court of the 15th of October last, which requires that three of the Members chosen to represent this State in Congress should be present in order to exercise the Powers with which by that Resolve they are vested: Therefore

*Resolved*, That any two of the Gentlemen chosen to represent this State, or when more are present in Congress, a major Part of the same be and they hereby are empowered for and in behalf of this State to exercise all the Powers which in the said Resolve of the 15th of October are particularly mentioned, although it is still expected that four of the said Gentlemen constantly attend upon the Business of their Delegation. [*Passed June 15.*]



## CHAPTER 116.

RESOLVE GRANTING A FIREARM TO WILLIAM HOSKINS IN FULL COMPENSATION FOR THE LOSS OF ONE BY HIS SON SAMUEL HOSKINS AT RHODE ISLAND.

Legislative  
Records of the  
Council,  
xxxix., 333.  
Mass.  
Archives,  
ccxxiii., 143.  
Mass.  
Resolves,  
May Session,  
chap. 114.  
Mass.  
Archives,  
ccxxiii., 144,  
145; ccxxv.,  
31.

ON THE PETITION of William Hoskins, praying for an Allowance for a Small-Arm and sundry Accoutrements lost by his Son Samuel, in the Expedition on Rhode Island in August last:

*Resolved*, That the Prayer thereof be granted, and that the Board of War be and they hereby are directed to deliver to Brigadier George Godfrey one Fire-Arm for the Use of the Petitioner, in full Compensation for his Loss. [*Passed June 16.*]

## CHAPTER 117.

RESOLVE CONFIRMING THE RESOLVE OF THE 9TH INSTANT GRANTING A BOUNTY OF £120 FOR THOSE WHO SHALL ENLIST IN THE CONTINENTAL ARMY FOR NINE MONTHS OR DURING THE WAR.

WHEREAS Doubts have arisen in the Minds of some Persons whether the Bounty of One Hundred and twenty Pounds promised to be deducted from the Tax of the several Towns in this State for each Man they shall raise for nine Months or during the War, in obedience to a Resolve of the 9th Instant, for filling up the Continental Army, is intended to extend to those Towns who shall raise the Men for nine Months only: Therefore

Legislative  
Records of the  
Council,  
xxxix., 335.  
Mass.  
Archives,  
ccxxiii., 146.  
Mass.  
Resolves,  
May Session,  
chap. 115.  
*Ante*, p. 38,  
chap. 75.

*Resolved*, That the said Bounty of One Hundred and twenty Pounds promised to be abated from the Tax of those Towns who shall raise the Men agreeable to the said Resolves, was intended and shall be construed to extend to such Towns as shall raise the Men for nine Months as well as during the War. [*Passed June 16.*]

## CHAPTER 118.

RESOLVE EMPOWERING JAMES RICHARDSON, DEPUTY COMMISSARY GENERAL, TO DISPOSE OF A QUANTITY OF CONDEMNED PROVISIONS, BELONGING TO THE UNITED STATES, AND NO MORE.

Legislative  
Records of the  
Council,  
xxxix., 335.  
Mass.  
Archives,  
ccxxiii., 147.  
Mass.  
Resolves,  
May Session,  
chap. 116.  
Mass.  
Archives,  
ccxxiii., 148.

UPON THE PETITION of James Richardson, Deputy Commissary General, shewing that he has a Quantity of condemned Provisions in his Hands, belonging to the United States, and praying Leave to sell the same at public Sale:

*Resolved*, That the said James Richardson be and he hereby is impowered to dispose of the said Quantity of condemned Provisions, belonging to the United States, and no more, at public Sale, the Laws of this States notwithstanding. [*Passed June 16.*]



## CHAPTER 119.

## RESOLVE GRANTING £150 TO SAMUEL MORGAN FOR THE LOSS OF HIS BOAT.

Legislative  
Records of the  
Council,  
xxxix., 336.  
Mass.  
Resolves,  
May Session,  
chap. 117.

ON THE PETITION of Samuel Morgan, praying an Allowance for his Boat lost in the Service of this State:

*Resolved*, That the Prayer of said Petition be granted, and that the Sum of One Hundred and fifty Pounds be paid to the Petitioner out of the public Treasury in full for the Loss of said Boat.  
[*Passed June 16.*]

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## CHAPTER 120.

## RESOLVE ALLOWING LEONARD WILLIAMS AND OTHERS A FURTHER TERM OF SEVEN YEARS TO COMPLETE THE CONDITIONS WITH REGARD TO AN EASTERN TOWNSHIP GRANTED TO SAMUEL LIVERMORE AND OTHERS IN 1771.

Legislative  
Records of the  
Council,  
xxxix., 337.  
Mass.  
Archives,  
ccxxiii., 149.  
Mass.  
Resolves,  
May Session,  
chap. 125.

ON THE PETITION of Leonard Williams and others, representing to this Court that in the Year 1771,<sup>1</sup> the General Court granted to Samuel Livermore, Esq., and others, a Township in the Eastern Part of this State, upon certain Conditions set forth in said Petition, and that the Commencement of the present War made it impossible for them to compleat the said Conditions, and praying that a further time may be allowed them: Therefore

*Resolved*, That the Prayer of the Petition be granted, and that they be allowed the further Term of seven Years to compleat the Conditions which are enjoined on them by a Resolve of the General Court. [*Passed June 17.*]

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## CHAPTER 121.

## RESOLVE ALLOWING THE ACCOUNT OF THE LATE TREASURER OF THE COUNTY OF YORK, AND GRANTING HIS EXECUTORS £3. 7s. 7d.

Legislative  
Records of the  
Council,  
xxxix., 338.  
Mass.  
Archives,  
ccxxiii., 151.  
Mass.  
Resolves,  
May Session,  
chap. 124.

WHEREAS it appears upon Examination of the Accounts of the County Treasurer for the County of York that all the Monies granted and allowed by the Court of General Sessions of the Peace for said County, from April 1778 to April 1779, was for such Purposes and Appropriations as the Law impowered the said Court to grant, and the Ballance due to the Executors of said Treasurer is the Sum of Three Pounds seven Shillings and seven Pence: Therefore

*Resolved*, That the said Account be allowed. [*Passed June 17.*]

<sup>1</sup> Livermore and Livermore Falls, Maine, for plan, see Massachusetts Archives, Maps and Plans, 3rd series, vol. 14, p. 11.



## CHAPTER 122.

VOTE CHOOSING ABIEL MITCHELL COLONEL, AND JAMES WILLIAMS, JUN., LIEUTENANT-COLONEL, OF THE 3RD REGIMENT IN BRISTOL COUNTY.

Legislative  
Records of the  
Council,  
xxxix., 339.  
Mass.  
Archives,  
ccxiii., 152.  
Mass.  
Resolves,  
May Session,  
chap. 118.

In the House of Representatives

The House, by Ballot, made Choice of Abiel Mitchell Colonel, and James Williams, jun., Lieutenant Colonel of the third Regiment of Militia in the County of Bristol.

In Council

Read and Concurred. [*Passed June 17.*]

## CHAPTER 123.

VOTE CHOOSING FIELD OFFICERS OF THE 3RD REGIMENT IN WORCESTER COUNTY.

In the House of Representatives

The House, by Ballot, made Choice of the following Gentlemen as Field-Officers of the third Regiment of Militia in the County of Worcester, viz.

Legislative  
Records of the  
Council,  
xxxix., 339.  
Mass.  
Archives,  
ccxiii., 153.  
Mass.  
Resolves,  
May Session,  
chap. 119.

Nathan Tyler,	.	.	.	.	.	Colonel.
Samuel Cragin,	.	.	.	.	.	Lieutenant Colonel.
Benjamin Farrar,	.	.	.	.	.	First Major.
Isaac Martin,	.	.	.	.	.	Second Major.

In Council

Read and Concurred. [*Passed June 17.*]

## CHAPTER 124.

RESOLVE GRANTING HON. JABEZ FISHER, ESQ., AND OTHERS, COMMITTEE OF ACCOUNTS, ONE PENNY PER POUND FOR PAYMENTS MADE.

In the House of Representatives

On the Petition of the Hon. Jabez Fisher, Esq., and others, praying for an Allowance for their extraordinary Services, for examining, concurring and paying the Accounts of the Committee on Accounts of this House, &c. as set forth in said Petition:

*Resolved*, That there be paid out of the public Treasury of the State to Jabez Fisher and others, a Committee of Council, for their extraordinary Services aforesaid, One Penny per Pound for what Sums of Money they may or have paid for the Purposes for which said Committee were appointed, until the further Order of this Court.

In Council

Read and Concurred. [*Passed June 17.*]

Legislative  
Records of the  
Council,  
xxxix., 339.  
Mass.  
Archives,  
ccxiii., 154.  
Mass.  
Resolves,  
May Session,  
chap. 122.  
Mass.  
Archives,  
ccxiii., 155.  
*Ante*, p. 9,  
chap. 6.



## CHAPTER 125.

RESOLVE GRANTING £150 TO ENSIGN HENRY ERVING (DISCHARGED ON ACCOUNT OF ILL HEALTH) FOR PAST SERVICES IN COL. RUFUS PUTNAM'S REGIMENT.

Legislative  
Records of the  
Council,  
xxxix., 340.  
Mass.  
Archives,  
ccxxiii., 156.  
Mass.  
Resolves,  
May Session,  
chap. 120.

Mass.  
Archives,  
ccxxiii., 157-  
159.

ON THE PETITION of Ensign Henry Erving, representing to this Court that he has been a Subaltern Officer in Col. Rufus Putnam's Regiment, in the Service of the United States, but has been regularly discharged by reason of a bad State of Health, and prays that he may have a Grant of the sum of One Hundred and fifty Pounds, allowed him as a Gratuity for his past Services in the War, agreeable to a Resolve of the Great and General Court passed the 6th Day of February last: Therefore

*Resolved*, That there be granted and paid out of the public Treasury to Ensign Henry Erving, as Gratuity for his past Services in the War, One Hundred and fifty Pounds, agreeable to said Resolve, his being now discharged from the service notwithstanding. [*Passed June 17.*]

## CHAPTER 126.

RESOLVE GRANTING A QUARTER BOX OF WINDOW GLASS, GRATIS, TO CALEB CALL, ESQ., AND OTHERS, OF CHARLESTOWN, IN ORDER TO FIT A HOUSE FOR DIVINE SERVICE.

Legislative  
Records of the  
Council,  
xxxix., 341.  
Mass.  
Archives,  
ccxxiii., 160.  
Mass.  
Resolves,  
May Session,  
chap. 123.

Mass.  
Archives,  
ccxxiii., 161;  
ccclxxv., 33.

WHEREAS Caleb Call, Esq., and others, a Committee for the Town of Charlestown, have by their Memorial and Petition represented to this Court that they are in great want of a Quarter-Box of Window-Glass in order to fit a House in said Town for Divine Service, and praying that the Board of War may be directed to sell them said Glass at a reasonable Rate:

*Resolved*, That in consideration of the great Losses and Sufferings of the Inhabitants of said Town, and the Use for which said Glass is designed, the Board of War be directed, and they are hereby accordingly directed to deliver to Caleb Call, Esq., and others, the Petitioners, one Quarter-Box of seven by nine Window-Glass, gratis, to be applied to the Purposes aforesaid. [*Passed June 17.*]

## CHAPTER 127.

RESOLVES DISCHARGING CALEB DAVIS, ESQ., OF VARIOUS SUMS OF MONEY AND GOODS, GRANTING HIM 2½ PER CENT ON SAME AND £300 ADDITIONAL.

Legislative  
Records of the  
Council,  
xxxix., 342.  
Mass.  
Archives,  
ccxxiii., 162.  
Mass.  
Resolves,  
May Session,  
chap. 121.

Mass.  
Archives,  
ccxxiii., 164;  
ccclxxv., 32.

ON THE PETITION of Caleb Davis, Esq., praying that he may be discharged from such public Monies and Goods as he has received and again paid and delivered agreeable to Orders of Court:

*Resolved*, That the Committee appointed to state and settle the Accounts of this State be and they hereby are directed to discharge the said Caleb Davis, Esq., from the Sum of Ten Thousand Pounds, which he received out of the Treasury of this State to pay for the Captors' Share of the Ship Julius Cæsar and Cargo, which Ship and Cargo was received by the Agents of this State. And it is further

*Resolved*, That the Board of War be and they hereby are



directed to discharge the said Davis from the Sum of Nine Thousand seven Hundred and twenty-eight Pounds eighteen Shillings and four Pence, being the amount of sundry Articles supplied by the said Davis for building and fixing out the Brig: Hazard; and the Commissary General of this State is hereby directed to discharge the said Davis from the Sum of Forty-five Pounds one Shilling and four Pence, being the amount of sundry Articles he supplied for the same Purpose, as the said Articles were not charged to this State by said Davis in his Account settled February 10th, 1778. And the Board of War are further directed to discharge the said Davis from the Sum of Thirty-seven Thousand and sixteen Pounds seventeen Shillings and ten Pence, which appears by their Account to be the amount of Cloathing and other Articles delivered to said Davis for the Army, he having accounted for the Delivery of the same. And it is further

*Resolved*, That the Committee appointed to state and settle the Accounts of this State, and who have been directed to settle the said Davis's Accounts, be and they hereby are directed to allow the said Caleb Davis, Esq., two and a half per Cent. on the amount of his Account, for Articles purchased for the Use of the Army. And it is further

*Resolved*, That the said Committee do allow said Davis the further Sum of Three Hundred Pounds for his other Services and Expences in receiving and sending forward to the Army the Stores supplied by the Board of War and others, for which he has no Consideration in the foregoing Allowance. [*Passed June 17.*]

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## CHAPTER 128.

RESOLVES REPEALING PART OF A RESOLVE, OF APRIL 16<sup>TH</sup> LAST, ESTABLISHING A REGIMENT OF LIGHT INFANTRY IN CONTINENTAL PAY, AND GRANTING INCREASED STATE PAY.

*Resolved*, That the Resolve of the 16th of April last, intitling each Non-commissioned Officer and Soldier who shall enlist into the Regiment of Light Infantry proposed to be raised in this State, and to do Duty in the New England States, under the Command of Col. John Jacobs, to receive Ten Pounds per Calendar Month, so far as it relates to the Ten Pounds, and the Resolve allowing a Suit of Cloaths to each Non-commissioned Officer and Soldier that should enlist into said Regiment; and also the Resolve allowing additional Pay to the Commissioned Officers in the aforesaid Regiment be and they are hereby repealed. And in lieu thereof, be it

*Resolved*, That there be paid out of the public Treasury of this State to such Field-Officers that shall be commissioned by the major Part of the Council for said Regiment, to the Colonel Forty-five Pounds, to the Lieutenant Colonel Forty Pounds, to the Major Thirty-five Pounds per Month during said Service; and that there be paid out of the public Treasury of this State to each Captain, commissioned as aforesaid, Thirty Pounds per Month, to each Lieutenant Twenty-four Pounds per Month, to each Serjeant Eighteen Pounds per Month, to each Corporal, Drum and Fife Seventeen Pounds per Month, and to each Private Sixteen Pounds per Month, to a Surgeon Thirty Pounds per Month, to a Surgeon's Mate Twenty Pounds per Month, in Addition to their respective Continental Pay. And the Honorable the major Part of the Council are requested to make out their

Legislative  
Records of the  
Council,  
xxxix., 331.  
Mass.  
Archives,  
ccxxiii., 166.  
Mass.  
Resolves,  
May Session,  
chap. 127.  
Province  
Laws, xx., 687;  
chap. 692.



Warrants on the Treasurer of this State in favor of such Muster-Masters as shall apply for the same, to enable them to pay the Bounty given by the Resolves of the General Court of the 16th of April last; the said Muster-Masters to be accountable to this Court for the Sums they shall receive. [*Passed June 18.*<sup>1</sup>

## CHAPTER 129.

RESOLVES DETACHING THREE COMPANIES OF MEN FROM THE COUNTIES OF SUFFOLK, ESSEX AND WORCESTER, TO SERVE AS GUARDS IN BOSTON AND RUTLAND, WITH ADDITIONAL PAY AND ALLOWANCE OVER THEIR CONTINENTAL PAY.

Legislative  
Records of the  
Council,  
xxxix., 344.  
Mass.  
Archives,  
cexxiii., 169.  
Mass.  
Resolves,  
May Session,  
chap. 126.

*Resolved*, That the Honorable the major Part of the Council be requested to issue their Orders to the Brigadier of the County of Suffolk, ordering him to detach from his Brigade one Company of Men, consisting of one Captain, two Lieutenants, and eighty Non-commissioned Officers and private Soldiers; and to the Brigadier of the County of Essex, ordering him to detach from his Brigade one Company, consisting of one Captain, two Lieutenants, and eighty Non-commissioned Officers and private Soldiers, which said two Companies are to do Duty as Guards in and about Boston until the first Day of October next, to be under the Command of the Commander in Chief of this Department. And it is further

*Resolved*, That the said major Part of the Council be requested to issue their Orders to the Brigadier of the County of Worcester, ordering him to detach from his Brigade one Captain, one Lieutenant, and fifty Non-commissioned Officers and private Soldiers, to do Duty as a Guard in Rutland, which Guard aforesaid are to serve until the first Day of October aforesaid, and that the several Guards aforesaid, over and above their Continental Pay and Rations, shall have the following Pay and Allowance, to each Captain Twelve Pounds, to each Lieutenant Nine Pounds, and to each Non-commissioned Officer and private Soldier Thirteen Pounds, for every Calendar Month while in said Service. [*Passed June 18.*

## CHAPTER 130.

RESOLVE GRANTING A FIREARM AND BAYONET TO RICHARD BELCHER IN COMPENSATION FOR HIS LOSS AT RHODE ISLAND IN 1778.

Legislative  
Records of the  
Council,  
xxxix., 345.  
Mass.  
Archives,  
cexxiii., 170.  
Mass.  
Resolves,  
May Session,  
chap. 128.

THE COMMITTEE appointed to take into Consideration the Petition of Richard Belcher, setting forth his Loss of a Fire-Arm, Cartouch-Box, &c., in the Expedition against Rhode-Island, in the Month of August 1778, have attended that Service, and ask leave to Report the following Resolve

*Resolved*, That the Board of War be and they hereby are directed to deliver to the said Richard Belcher, or his Order, one good Fire-Arm and Bayonet, in full Compensation for the Loss he sustained, as set forth in his Petition. [*Passed June 18.*

Mass.  
Archives,  
cexxiii., 171,  
171½; cclxxxv.,  
34.

<sup>1</sup> This date is same in Massachusetts Resolves, but June 15 according to Legislative Records of the Council.



## CHAPTER 131.

VOTE CHOOSING CAPT. JOSIAH LYMAN, 2ND MAJOR OF THE 4TH  
REGIMENT IN HAMPSHIRE COUNTY.

## In Council

The Council, by Ballot, made Choice of Capt. Josiah Lyman of Belchertown, to be a Second Major of the fourth Regiment of Militia in the County of Hampshire, whereof Elisha Porter, Esq., is Colonel.

## In the House of Representatives

Read and concurred. [*Passed June 19.*]

Legislative  
Records of the  
Council,  
xxxix., 347.  
Mass.  
Archives,  
ccxxiii., 176.  
Mass.  
Resolves,  
May Session,  
chap. 131.

## CHAPTER 132.

RESOLVE APPOINTING AMOS SINGLETARY, SETH WASHBURN AND  
EDWARD DAVIS, ESQUIRES, A COMMITTEE TO MAKE SALE OF  
THE STATE POWDER MILL, ETC., AT SUTTON.

*Resolved*, That Amos Singletary, Seth Washburn and Edward Davis, Esquires, be a Committee to make Sale of the Powder-Mill, belonging to this State, at Sutton together with all the Appurtenances thereto belonging, either at Public or Private Sale, as they shall think most for the Interest of the State, after giving timely Notice in two of the public Papers; and the said Committee are hereby directed in Behalf of the State, to make and execute a good and lawful Deed of the same, to any Person or Persons who shall purchase the same, and to pay to the Treasurer as soon as may be after the Sale, the Money which they shall receive for the Premises, taking duplicate Receipts, one of which to be lodged with the Secretary. [*Passed June 19.*]

Legislative  
Records of the  
Council,  
xxxix., 348.  
Mass.  
Archives,  
ccxxiii., 172.  
Mass.  
Resolves,  
May Session,  
chap. 129.

## CHAPTER 133.

RESOLVE EXEMPTING FIRE ENGINE MEN IN MEDFORD FROM  
MILITARY DUTY, THE SAME AS IN BOSTON AND CAMBRIDGE.

*Resolved*, That twelve Men be exempted from Military Duty, in the Town of Medford, for Fire Engine Men, in the same Manner as the Engine Men are in Boston and Cambridge, agreeable to a Resolve passed for that purpose, February 16th, 1778. [*Passed June 19.*]

Legislative  
Records of the  
Council,  
xxxix., 348.  
Mass.  
Archives,  
ccxxiii., 177.  
Mass.  
Resolves,  
May Session,  
chap. 130.  
Mass.  
Archives,  
ccxxiii., 178.  
Province  
Laws, xx., 294,  
chap. 782.

## CHAPTER 134.

RESOLVE DIRECTING MR. JOHN LOWELL TO DELIVER TO HENRY  
GARDNER, ESQ., STATE TREASURER, THE SUM OF \$800,000 AND  
THE TREASURER'S NOTES FOR £18,000 L. M. (EQUAL TO \$60,000)  
HE RECEIVED FROM MICHAEL HILLEGAS, ESQ., CONTINENTAL  
TREASURER.

SIR

BOSTON June 17th 1779.

In pursuance to my Appointment, I proceeded to Philadelphia and have received on Account of the State of the Massachusetts-Bay Eight Hundred Thousand dollars, also a Number of State Notes issued by the Board of War here, which Michael Hilligas, Esq., Continental Treasurer, Exchanged and which I was by an

Legislative  
Records of the  
Council,  
xxxix., 348.  
Mass.  
Archives,  
ccxxiii., 173-  
175. Mass.  
Resolves,  
May Session,  
chap. 132.



Order of Council directed to take up, which Money and Notes are ready to be delivered to the Order of the Honourable Court

I am with respect

Your Honours

Most Obedient and Most Humble Servant

JOHN LOWELL

Hon. JEREMIAH POWELL, Esq.  
President of Council.

THE COMMITTEE of both Houses appointed to Consider the foregoing Letter have attended the Service and take leave to report by way of Resolve, which is Submitted

THOMAS CUSHING per Order

*Resolved*, That Mr. John Lowell be and hereby is directed to pay into the Hands of Henry Gardner, Esq., Treasurer of this State, the Sum of Eight Hundred Thousand Dollars, he received of Michael Hillegas, Esq., Continental Treasurer, on account of this State, he taking duplicate Receipts for the same, and lodging one of them in the Secretary's Office; and the Treasurer is hereby directed to receive the same and carry it to the Credit of the United States; and said Lowell is also directed to deliver into the Hands of the said Henry Gardner, Esq., the six Treasurer's Notes dated the 20th of February, 1779, issued in favour of Samuel Phillips Savage, amounting in all to Eighteen Thousand Pounds, Lawfull Money, equal to Sixty Thousand Dollars, which said Lowell received of Michael Hillegas, Continental Treasurer, in Part of the Warrant of Congress, dated the 5th of April last, in favor of this State, for the Sum of One Hundred and fifty Thousand Dollars, and the Treasurer is hereby directed to receive said Notes, and to consider them as redeemed, and carry their Amount to the Credit of the United States, in Part on Account of the One Hundred and fifty Thousand Dollars, aforesaid.

In Council

Read and accepted

In the House of Representatives

Read and concurred. [*Passed June 19.*]

## CHAPTER 135.

RESOLVES RECOMMENDING A CONSTITUTIONAL CONVENTION AT CAMBRIDGE SEPT. 1st, INSTRUCTED TO CAUSE PRINTED COPIES OF THE FORM AGREED UPON TO BE SENT TO THE SEVERAL TOWNS AND PLANTATIONS AND IF APPROVED AT MEETINGS BY TWO THIRDS OF THE FREEMEN PRESENT TO BE ESTABLISHED AS THE GOVERNMENT OF THE STATE OF MASSACHUSETTS BAY.

WHEREAS by the Returns made into the Secretary's Office from more than two thirds of the Towns belonging to this State, agreeable to a Resolve of the General Court of the 20th of February last, it appears that a large Majority of the Inhabitants of such Towns as have made Return as aforesaid think it proper to have a new Constitution or Form of Government, and are of Opinion that the same ought to be formed by a Convention of Delegates, who should be specially authorized to meet for this Purpose: Therefore

*Resolved*, That it be and it hereby is recommended to the several Inhabitants of the several Towns in this State to form a Convention for the sole purpose of framing a new Constitution, consisting of such Number of Delegates from each Town throughout the State, as every different Town is entitled to send Representatives to the General Court, to meet at Cambridge, in the County of Middlesex on the 1st day of September next.

Legislative  
Records of the  
Council, 345.  
Mass.  
Archives,  
ccxiii., 190.  
Mass.  
Resolves,  
May Session,  
chap. 138.

Mass.  
Archives,  
clx., 125;  
ccxiii., 192-  
194. Province  
Laws, xx., 626,  
chap. 544.



And the Selectmen of the several Towns and Places in this State, impowered by the laws thereof to send Members to the General Assembly, are hereby authorized and directed to call a Meeting of their respective Towns at least fourteen days before the meeting of the said Convention, to elect one or more Delegates to represent them in said Convention, at which Meeting for the election of such Delegate or Delegates, every Freeman, inhabitant of such Town, who is twenty-one years of age, shall have a right to vote. Be it also

*Resolved*, That it be and hereby is recommended to the inhabitants of the several Towns in this State to instruct their respective Delegates to cause a printed copy of the Form of a Constitution they may agree upon in Convention, to be transmitted to the Selectmen of each Town, and the Committee of each Plantation, and the said Selectmen and Committees are hereby impowered and directed to lay the same before their respective Towns and Plantations at a regular Meeting of the Male inhabitants thereof, being free and twenty-one years of age, to be called for that purpose, in order to its being duly considered and approved or disapproved by said Towns and Plantations; and it is also recommended to the several Towns within this State to instruct their respective Representatives to establish the said Form of a Constitution as the Constitution and Form of Government of the State of Massachusetts Bay, if, upon a Examination it shall appear that it is approved of by at least two thirds of those who are free and twenty-one years of age, belonging to this State, and present in the several Meetings. [Passed June 21.<sup>1</sup>

## CHAPTER 136.

### RESOLVE LAYING AN EMBARGO ON PROVISIONS UNTIL THE 15<sup>TH</sup> OF NOVEMBER NEXT.

WHEREAS the Exportation of Provisions from this State hath a direct Tendency to increase the Distresses of the good People of the same, and also to supply the Armies of the Enemy with those Articles which they are in pressing Need of: Therefore

*Resolved*, That an Embargo be and hereby is laid to prohibit the Exportation of Wheat, Flour, Rye, Indian Corn, Rice, Bread, Beef, Pork, Bacon, Live Stock, and other Provisions, from any Sea-Port within this State, from and after the 22nd day of June instant, untill the 15th day of November next, and any Master or Owner of any Ship or Vessel that presume to lade on Board any Ship or Vessel in any Sea-Port within this State within the Term aforesaid, any of the above enumerated Articles, and shall put to Sea with any of said Articles on Board, the said Ship or Vessel, with her Cargo, shall be liable to be seized and declared forfeited, upon conviction thereof in the Maritime Court of this State, one Moiety thereof to the Use of this State, and the other Moiety to the Use of him or them that shall seize and bring forward a Process against the said Ship or Vessel, unless such Owner or Master shall first have and obtain leave from the General Court of this State, or in the Recess from the Council of the same, provided that this Embargo shall not be construed to prevent the taking on Board such Provisions as shall be necessary for the Stores only of any Ship or Vessels of War, or others trading to and from these States. [Passed June 21.

Legislative  
Records of the  
Council,  
xxxix., 349.  
Mass.  
Archives,  
cxxxiii., 189.  
Mass.  
Resolves,  
May Session,  
chap. 137.

<sup>1</sup> This date is same in Massachusetts Resolves, but June 18 according to Legislative Records of the Council.



## CHAPTER 137.

RESOLVE FOR LICENSING ELEAZER RICE TO KEEP A TAVERN IN  
RUTLAND, TEMPORARILY.

Legislative  
Records of the  
Council,  
xxxix., 350.  
Mass.  
Archives,  
ccxiii., 183.  
Mass.  
Resolves,  
May Session,  
chap. 134.

ON THE PETITION of John Frink and others, Selectmen of Rutland, in the County of Worcester, setting forth the Necessity of an Innholder being Licensed in said Town, for Reasons set forth in said Petition: Therefore

*Resolved*, That any two of the Justices of the Peace in the County aforesaid, Quorum unus be and they are hereby fully authorized and impowered to grant a Licence to Eleazer Rice of Rutland, to keep a public Tavern until the next Session of the said County Court, and to recognize said Eleazer Rice to observe good Rule and Order, agreeable to the Law of this State relating to public Licenced Houses, any Law, Usage or Custom to the Contrary notwithstanding. [*Passed June 21.*]

Mass.  
Archives,  
ccxiii., 184.

## CHAPTER 138.

RESOLVES FOR PROCURING SHIRTS, SHOES AND STOCKINGS FROM  
THE INHABITANTS BY OCT. 1st, AS BY SCHEDULE ANNEXED,  
BEING EQUAL TO ONE SEVENTH PART OF THE MALE INHABITANTS  
ABOVE 16, PROVIDING FOR THEIR COLLECTION, PAYMENT,  
TRANSPORTATION, AND PENALTIES FOR FAILURE TO COLLECT.

Legislative  
Records of the  
Council,  
xxxix., 351.  
Mass.  
Archives,  
ccxiii., 185-  
188. Mass.  
Resolves,  
May Session,  
chap. 139.

*Resolved*, That the Selectmen of each Town in this State be and they are hereby required and directed to collect from the Inhabitants of their Towns respectively, or otherwise procure upon or before the 1st Day of October next, the Number of Shirts, Pairs of Shoes and Pairs of Stockings set and affixed to their respective Towns in the following Schedule, the same being a Number of each of those Articles equal to one seventh Part of the Male Inhabitants of such Town above the Age of sixteen Years, as returned into the Secretary's Office; viz.

## COUNTY OF SUFFOLK.

Boston . . . . .	407	Medfield . . . . .	27	Hull . . . . .	5
Roxbury . . . . .	56	Wrentham . . . . .	66	Walpole . . . . .	35
Dorchester . . . . .	55	Brookline . . . . .	18	Chelsea . . . . .	14
Milton . . . . .	41	Needham . . . . .	43	Cohasset . . . . .	24
Braintree . . . . .	89	Stoughton . . . . .	72	Franklin . . . . .	37
Weymouth . . . . .	49	Stoughtonham . . . . .	44	Foxborough . . . . .	16
Hingham . . . . .	76	Medway . . . . .	31		
Dedham . . . . .	74	Bellingham . . . . .	20		

## COUNTY OF ESSEX.

Salem . . . . .	166	Danvers . . . . .	77	Newbury-Port . . . . .	122
Ipswich . . . . .	152	Newbury . . . . .	104	Marblehead . . . . .	156
Lynn . . . . .	62	Andover . . . . .	102	Beverly . . . . .	94
Rowley . . . . .	61	Salisbury . . . . .	54	Haverhill . . . . .	83
Gloucester . . . . .	137	Topsfield . . . . .	30	Boxford . . . . .	36
Andover . . . . .	59	Bradford . . . . .	44	Wenham . . . . .	23
Middleton . . . . .	24	Manchester . . . . .	29	Methuen . . . . .	44

## COUNTY OF MIDDLESEX.

Cambridge . . . . .	56	Westford . . . . .	41	Watertown . . . . .	33
Woburn . . . . .	64	Framingham . . . . .	55	Newton . . . . .	51
Reading . . . . .	58	Sherburn . . . . .	27	Billerica . . . . .	51
Stoneham . . . . .	12	Weston . . . . .	34	Chelmsford . . . . .	47
Bedford . . . . .	19	Hopkinton . . . . .	41	Wilmington . . . . .	28
Acton . . . . .	28	Stow . . . . .	32	Charlestown . . . . .	25
Sudbury . . . . .	77	Pepperell . . . . .	32	Concord . . . . .	60
Medford . . . . .	34	Dunstable . . . . .	24	Marlborough . . . . .	58



COUNTY OF MIDDLESEX—*Concluded.*

Lexington . . . . .	31	Groton . . . . .	57	Dracut . . . . .	33
Malden . . . . .	33	Townsend . . . . .	25	Tukesbury . . . . .	32
Littleton . . . . .	31	Natick . . . . .	21	Lincoln . . . . .	28
Waltham . . . . .	26	Holliston . . . . .	32		
Shirley . . . . .	21	Ashby . . . . .	14		

## COUNTY OF WORCESTER.

Worcester . . . . .	62	Lunenburg . . . . .	42	Templeton . . . . .	34
Brookfield . . . . .	95	Dudley . . . . .	33	Winchendon . . . . .	17
Sutton . . . . .	88	Sturbridge . . . . .	49	Ward . . . . .	18
Paxton . . . . .	17	Mendon . . . . .	75	Holden . . . . .	26
Barre . . . . .	48	Charlton . . . . .	44	Grafton . . . . .	30
Southborough . . . . .	26	Spencer . . . . .	37	Westminster . . . . .	36
Shrewsbury . . . . .	56	Oakham . . . . .	19	Princeton . . . . .	22
Harvard . . . . .	49	New-Braintree . . . . .	27	Northbridge . . . . .	12
Upton . . . . .	25	Northborough . . . . .	18	Western . . . . .	31
Lancaster . . . . .	96	Uxbridge . . . . .	39	Petersham . . . . .	41
Oxford . . . . .	26	Bolton . . . . .	43	Athol . . . . .	27
Leicester . . . . .	30	Leominster . . . . .	32	Ashburnham . . . . .	17
Rutland . . . . .	37	Hardwick . . . . .	50	Fitchburgh . . . . .	24
Hubbardston . . . . .	19	Douglass . . . . .	28		
Westborough . . . . .	31	Royalston . . . . .	16		

## DUKES COUNTY.

Edgartown . . . . .	37	Chilmark . . . . .	27	Tisbury . . . . .	37
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## COUNTY OF NANTUCKET.

Sherburne . . . . .					158
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## COUNTY OF LINCOLN.

Pownalborough . . . . .	51	Georgetown . . . . .	64	New-Castle . . . . .	23
Woolwich . . . . .	25	Topsham . . . . .	23	Bowdoinham . . . . .	11
Boothbay . . . . .	27	Bristol . . . . .	43	Vassalborough . . . . .	14
Winthrop . . . . .	12	Winslow . . . . .	10	Waldoborough . . . . .	19
Edgecomb . . . . .	24	Hallowell . . . . .	19	Belfast . . . . .	4
Warren . . . . .	—	Thomaston . . . . .	—	Pittston . . . . .	11
Meduncook . . . . .	9	St.-George's . . . . .	9		

## COUNTY OF HAMPSHIRE.

Springfield . . . . .	66	Wilbraham . . . . .	37	South-Hadley . . . . .	23
Southampton . . . . .	28	Hadley . . . . .	30	Hatfield . . . . .	27
Amherst . . . . .	34	Granby . . . . .	17	Westfield . . . . .	53
Whately . . . . .	15	Williamsburgh . . . . .	18	Shelburne . . . . .	22
Deerfield . . . . .	34	Greenfield . . . . .	22	Montague . . . . .	23
Conway . . . . .	29	Sunderland . . . . .	17	South-Brimfield . . . . .	32
Northfield . . . . .	21	Brimfield . . . . .	36	Greenwich . . . . .	29
Monson . . . . .	29	Pelham . . . . .	29	Palmer . . . . .	30
Blanford . . . . .	26	Leverett . . . . .	11	Belchertown . . . . .	36
Granville . . . . .	29	New-Salem . . . . .	33	Warwick . . . . .	24
Colrain . . . . .	23	Ware . . . . .	22	Charlemont . . . . .	13
Bernardston . . . . .	20	Murrayfield . . . . .	14	Shutesbury and . . . . .	} 22
Ashfield . . . . .	28	Worthington . . . . .	24	Ervingshire . . . . .	
Chesterfield . . . . .	32	Southwick . . . . .	18	Suffield . . . . .	—
Enfield . . . . .	—	Somers . . . . .	—	West-Springfield . . . . .	60
Ludlow . . . . .	14	Norwich . . . . .	9	No. 5 . . . . .	13
No. 7 or Merryfield . . . . .	8	Northampton . . . . .	64		

## COUNTY OF PLYMOUTH.

Plymouth . . . . .	95	Middleborough . . . . .	151	Hanover . . . . .	38
Marshfield . . . . .	40	Rochester . . . . .	84	Wareham . . . . .	22
Scituate . . . . .	98	Kingston . . . . .	34	Pembroke . . . . .	61
Bridgewater . . . . .	169	Halifax . . . . .	21	Abington . . . . .	46
Duxbury . . . . .	45	Plympton . . . . .	64		

## COUNTY OF BARNSTABLE.

Barnstable . . . . .	82	Eastham . . . . .	65	Chatham . . . . .	30
Provincetown . . . . .	6	Truro . . . . .	42	Yarmouth . . . . .	73
Sandwich . . . . .	55	Wellfleet . . . . .	45		
Harwich . . . . .	64	Falmouth . . . . .	43		

## COUNTY OF BRISTOL.

Taunton . . . . .	113	Rehoboth . . . . .	141	Swanzy . . . . .	64
Dartmouth . . . . .	128	Dighton . . . . .	48	Mansfield . . . . .	36
Attleborough . . . . .	72	Easton . . . . .	42	Freetown . . . . .	61
Raynham . . . . .	33	Norton . . . . .	47	Berkley . . . . .	28



## COUNTY OF YORK.

York . . . . .	86	Kittery . . . . .	91	Wells . . . . .	83
Berwick . . . . .	95	Arundel . . . . .	36	Biddeford . . . . .	31
Massabesick . . . . .	14	Pepperelborough . . . . .	27	Lebanon . . . . .	18
Fryeburgh . . . . .	15	Sanford . . . . .	23	Brownfield . . . . .	8
Buxton . . . . .	22	Little-Falls . . . . .	10		

## COUNTY OF CUMBERLAND.

Falmouth . . . . .	103	Cape-Elizabeth . . . . .	66	Harpswell . . . . .	28
Scarborough . . . . .	66	Brunswick . . . . .	28	New-Gloicester . . . . .	24
Gorham . . . . .	48	Windham . . . . .	13	Raymondtown . . . . .	6
Pearsonstown . . . . .	11	New-Boston . . . . .	10		
Royalsburgh . . . . .	8	North-Yarmouth . . . . .	57		

## COUNTY OF BERKSHIRE.

Sheffield & Taconick Mountains } . . . . .	66	Great-Barrington . . . . .	27	Lanesborough . . . . .	51
Williamstown . . . . .	38	New-Marlborough . . . . .	33	Stockbridge . . . . .	36
Pittsfield . . . . .	35	Lenox . . . . .	27	Sandisfield . . . . .	36
Egremont . . . . .	21	Tyringham . . . . .	23	Hancock . . . . .	16
Becket . . . . .	15	Gageborough . . . . .	17	Washington . . . . .	18
Richmond . . . . .	30	Loudon . . . . .	7	East-Hoosuck . . . . .	23
West-Stockbridge . . . . .	14	Alford . . . . .	10	Plantation . . . . .	} 11
Plantation No. 5 . . . . .	—	Plantation No. 7 . . . . .	—	New-Providence . . . . .	
New-Ashford . . . . .	6	Equivalent . . . . .	—	Lee . . . . .	20
		Partridgefield . . . . .	13		

*Resolved*, That the Selectmen of each Town shall, upon or before the 1st Day of October next, cause the said articles to be transported to such place or places, in the Counties to which they respectively belong, as the Agent of the County, who shall be by the General Court appointed to receive them shall order.

*Resolved*, That the following persons be and they hereby are appointed to receive, in the Counties whereof they are inhabitants, the articles aforesaid, when so collected, viz.

In the County of Suffolk, . . . . .	Lemuel Kollock, Esq., [of Wrentham.] <sup>1</sup>
In the County of Essex, . . . . .	Col. Israel Hutchinson, [of Danvers.]
In the County of Middlesex, . . . . .	Maj. Joseph Hosmer, [of Concord.]
In the County of Hampshire, . . . . .	Maj. Warham Parks, [of Westfield.]
In the County of Plymouth, . . . . .	Capt. David Kingman, [of Bridgewater.]
In the County of Barnstable, . . . . .	Col. Enoch Hallet, [of Yarmouth.]
In the County of Bristol, . . . . .	Brigadier George Godfrey, [of Taunton.]
In the County of York, . . . . .	Edward Cutts, Esq., [of Kittery.]
In the County of Dukes-County, . . . . .	Col. Beriah Norton.
In the County of Nantucket, . . . . .	Stephen Hussey, Esq.
In the County of Worcester, . . . . .	Seth Washburn, Esq., [of Leicester.]
In the County of Cumberland, . . . . .	John Lewis, Esq., [of North Yarmouth.]
In the County of Lincoln, . . . . .	Mr. Moses Copeland, [of Warren.]
In the County of Berkshire, . . . . .	Col. Caleb Hyde, [of Lenox.]

And that said Agents shall, upon their receiving said Articles, transport them to such Place or Places, within this State, as this Court shall order and direct, and shall, upon or before the 1st Day of December next, make out, and lodge in the Secretary's Office, a true and perfect inventory of the Articles which they shall so receive, with the names of the Selectmen and Towns from whence they receive the same, and the prices at which the Selectmen shall charge them, in order that the same may be examined by a Committee of this Court, to be, upon or before that time for that purpose, especially appointed.

*Resolved*, That when the said Accounts are examined and approved by such Committee, that Warrants be made out by the major Part of the Council on the Treasurer, in favor of such Selectmen, for the Sums that may be due to them upon such Accounts. And the Selectmen, when they shall have received such Sums, shall pay the same over to those who shall have supplied them with the Shirts, Shoes and Stockings as aforesaid. Also

<sup>1</sup> Residences have been added from Massachusetts Resolves.



*Resolved*, That such Selectmen and Agents lay before the same Committee an Account of their services and expences, in order that the same may be examined and paid, in manner aforesaid.

*Resolved*, That if the Selectmen of any Town shall neglect to make return of their doings to the Agent of their County, pursuant to this Resolve; such Selectmen shall be liable to pay a fine of Ten Pounds, to the use of this Government, to be recovered by Action of Debt, at the suit of such person as the General Court shall appoint to bring the same. And in those Plantations where there are no Selectmen, the Committees of Correspondence, &c. are hereby directed and commanded to do the business by this Resolve required of Selectmen, and shall be liable to the same penalties, and, in every respect, in the same sence accountable for their conduct. And it is further

*Resolved*, That if any Town shall be so regardless of their duty and interest as to neglect to procure the Articles required by the Selectmen and Committees aforesaid, in consequence of these Resolves, that such Town shall forfeit and pay double the Value of the deficient Articles for such neglect, which Sum shall be added to such Town's proportion of the next State Tax.

And if any Agent appointed for the purposes aforesaid, shall neglect to make return as aforesaid upon or before the said first Day of December, such Agent shall be liable to pay a fine to this Government of Fifty Pounds, to be recovered by an Action of Debt at the suit of such Person as the General Court shall appoint to bring the same. [*Passed June 21.*]

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## CHAPTER 139.

### RESOLVES APPOINTING AND EMPOWERING JOHN GODDARD, CONDUCTOR OF STORES, AT £50 PER MONTH, A HORSE AND EXPENSES.

*Resolved*, That Mr. John Goddard be and he hereby is appointed Conductor of Stores for this State, whose Business it shall be to oversee and provide for the Transportation of all Stores belonging to this State, whenever called on for that Purpose; particularly to receive from the Committee appointed by this Court to procure Stores for that Part of the Continental Army raised in this State, all such Stores and other Articles as they shall provide for said Purpose, and transport the same to such Place as said Committee shall direct, and deliver them to the Commissary, or such other Person as is appointed to distribute them to the Army, taking Receipts for the same, and the Honorable Council are hereby requested to grant Warrants on the Treasury of this State, from Time to Time, for such Sums of Money as they shall judge necessary to enable him to prosecute said Business, he to be accountable for the Sums he shall receive; and the said Goddard is hereby empowered to employ such Persons in said Business as he may judge the Service requires. And it is further

*Resolved*, That the said Goddard shall be intitled to and receive the Sum of Fifty Pounds per Month, for each Calendar Month he shall be in said Service, also a Horse found him, and necessary Expences paid by this State. [*Passed June 21.*]

Legislative  
Records of the  
Council,  
xxxix., 357.  
Mass.  
Archives,  
ccxxiii., 181.  
Mass.  
Resolves,  
May Session,  
chap. 135.  
Post, p. 77,  
chap. 143.



## CHAPTER 140.

RESOLVES EMPOWERING THE FIELD OFFICERS OF THE 800 MEN DETACHED FOR THE DEFENCE OF RHODE ISLAND TO APPOINT A SURGEON, SURGEON'S MATE, ETC., AND OF THE REGIMENTS TO BE RAISED FOR THE SAME, AN ADJUTANT AND QUARTERMASTER, WITH ADDITIONAL PAY.

Legislative  
Records of the  
Council,  
xxxix., 358.  
Mass.  
Archives,  
ccxiii., 180.  
Mass.  
Resolves,  
May Session,  
chap. 133.

*Ante*, p. 33,  
chap. 66.

*Resolved*, That the Field-Officers appointed to command the Eight Hundred Men ordered to be detached by the Resolves of the General Court of the 8th of June Instant, to do duty in the State of Rhode Island, be and they hereby are impowered and directed to appoint to said Eight Hundred Men, one Surgeon, who shall be intitled to receive out of the Treasury of this State, in addition to his Continental Pay, the Sum of Thirty Pounds, and one Surgeons-Mate, who shall be intitled to receive in manner aforesaid, the Sum of Twenty Pounds per Calendar Month, during the Term they shall respectively continue in said Service, and also one Drummer and one Fifer to each Company so raised, who shall be intitled to receive Seventeen Pounds for each Calendar Month, during the Term they shall continue in said Service.

*Resolved*, That the Field-Officers of each of the Regiments proposed to be raised in this State to do Duty in the State of Rhode Island be and they hereby are directed to appoint from the Line of their respective Regiments, one Adjutant and one Quarter-Master. [*Passed June 21.*]

## CHAPTER 141.

RESOLVE DIRECTING THE COMMITTEE FOR METHODIZING AND STATING ACCOUNTS TO SUBMIT AN ACCOUNT OF ALL MONEYS AND OTHER ARTICLES DELIVERED FOR PUBLIC SERVICE, AND NOT ACCOUNTED FOR.

Legislative  
Records of the  
Council,  
xxxix., 359.  
Mass.  
Archives,  
ccxiii., 179.  
Mass.  
Resolves,  
May Session,  
chap. 136.

WHEREAS it is of great Importance that all Persons who have been intrusted with public Property be called on to account for the Expenditure of the same: Therefore

*Resolved*, That Messieurs John Deming and Peter Boyer, who are appointed to methodize and state the Accounts of this State be and they hereby are directed to lay before the General Court on the second Wednesday of their next Session, an Account of all Monies and other Articles (the Property of this State) which have been delivered to any Person or Persons for the public Service, and not been accounted for. [*Passed June 21.*]

## CHAPTER 142.

VOTES CHOOSING CAPT. SIMEON SAMPSON TO COMMAND THE STATE SHIP BUILDING AT NEWBURYPORT, TO BE NAMED PROTECTOR.

In the House of Representatives

The House, by Ballot, made Choice of Capt. Simeon Sampson to command the Ship building at Newbury-Port, for this State. And *Resolved*, That the said Ship be named Protector.

In Council

Read and Concurred. [*Passed June 22.*<sup>1</sup>]

Legislative  
Records of the  
Council,  
xxxix., 335.  
Mass.  
Archives,  
ccxiii., 204.  
Mass.  
Resolves,  
May Session,  
chap. 141.

Mass.  
Archives,  
ccxiii., 202, 203.  
Legislative  
Records of the  
Council,  
xxxix., 359.

<sup>1</sup> This date is same in Massachusetts Resolves, but June 16 according to Legislative Records of the Council.



## CHAPTER 143.

RESOLVE DIRECTING THE COMMITTEE TO PROCURE SMALL STORES FOR THE CONTINENTAL ARMY TO APPOINT CONDUCTORS OF STORES; AND EMPOWERING THE SAME.

WHEREAS Ebenezer Wales, Esq., Capt. Amasa Davis and Capt. Josiah Batchelor, jun., are appointed a Committee for the Purpose of purchasing from Time to Time, until the further Order of this Court, small Stores, as they or the major Part of them think necessary, for the Relief and Comfort of that Part of the Continental Army raised in this State, as by the Resolve of the 12th Instant appears: And whereas there is no Conductor of Stores appointed by this Court to provide Teams and Carriages to transport the same to the several Places for which they are or may be intended; and whereas it appears necessary that some Person or Persons be appointed to take proper Care said Stores be conducted for the Services of the Army as aforesaid: Therefore

*Resolved*, That the said Ebenezer Wales, Amasa Davis and Josiah Batchelor, jun., a Committee aforesaid, be and are hereby empowered and directed from Time to Time, as they shall think necessary, to appoint one or more Conductors of Stores, to take proper Care to provide Teams and Carriages, and cause said Stores to be transported to the several Places of their several Apartments or Places of Destination; and that the said Committee, or any Person whom they shall appoint (if Necessity requires it) are hereby directed to apply to a Justice of the Peace, or the Selectmen or Committee of Safety, where no Justice is, of any Town in this State, who are hereby authorized and directed on such Application to issue their Warrant directed to a Constable of said Town, to impress as many Teams, Carriages and Drivers as shall be necessary for the Purposes aforesaid; and it is hereby desired that the Civil Authority and the good People of this State be aiding and assisting in the Premises, if thereto requested. [Passed June 22.]

Legislative  
Records of the  
Council.  
xxxix., 360.  
Mass.  
Archives,  
ccxiii., 243.  
Mass.  
Resolves,  
May Session,  
chap. 140.

*Ante*, p. 57,  
chap. 102; p. 75,  
chap. 139.

## CHAPTER 144.

RESOLVE ESTABLISHING QUARANTINE FOR CARTELS AT CASTLE ISLAND.

WHEREAS the Inhabitants of this State have been greatly exposed to infectious Distempers by Persons arriving in Cartels, and being permitted to come on Shore before said Vessels have been examined and the Persons infected properly cleansed: Therefore

*Resolved*, That the Honorable the Council be and they hereby are requested to give Orders to the Commanding Officer at Castle Island not to permit any Cartel to come to Town until she has been examined, and a Permit for that Purpose be given, and the Honorable Council are further requested to take such further Measures as to them shall appear necessary to prevent in future the Danger which otherwise the Inhabitants may be exposed to from Cartels. [Passed June 22.]

Legislative  
Records of the  
Council.  
xxxix., 362.  
Mass.  
Archives,  
ccxiii., 240.  
Mass.  
Resolves,  
May Session,  
chap. 144.



## CHAPTER 145.

RESOLVE PERMITTING NEHEMIAH WEBB AND HIS SON, PRISONERS OF WAR, WITH HIS WIFE AND CHILDREN IF THEY INCLINE, TO GO TO HALIFAX FOR EXCHANGE.

Legislative  
Records of the  
Council,  
xxxix., 362.  
Mass.  
Archives,  
ccxxiii., 236.  
Mass.  
Resolves,  
May Session,  
chap. 145.

Mass.  
Archives,  
ccxxiii., 237.

UPON THE PETITION of Nehemiah Webb, praying that he and his Son, who are now held as Prisoners of War, may be exchanged, and that he may be suffered to carry with him his Wife and Children, with their Effects, to Halifax:

*Resolved*, That the Prayer of the said Petition be granted, and that the said Nehemiah Webb have Liberty to depart for Halifax or any Part of Nova-Scotia, and to carry with him his Wife, Children, and such of his Effects as the Committee of Correspondence, Inspection and Safety of the Town of Sandwich may judge reasonable and necessary, provided his said Wife and Children incline to go with him, in the next Cartel or in the Vessel which Robert Foster is permitted to go in, and the Commissary of Prisoners for this State is hereby directed to see that the said Webb and his Son are exchanged for an equal Number of our Prisoners of the same Rank. [*Passed June 22.*]

## CHAPTER 146.

RESOLVE EMPOWERING THE ADMINISTRATOR OF RICHARD DAY TO EXECUTE A DEED TO REV. JOSEPH BROWN.

Legislative  
Records of the  
Council,  
xxxix., 363.  
Mass.  
Archives,  
ccxxiii., 234.  
Mass.  
Resolves,  
May Session,  
chap. 151.

Mass.  
Archives,  
ccxxiii., 235.

ON THE PETITION of John Day, Administrator on the Estate of Richard Day, late of Winchendon, in the County of Worcester, deceased, praying that he may be empowered to make and execute a good and lawful Deed of Sale of One Hundred Acres of Land in said Winchendon, lying nigh the Meeting-House, it being Lot No. Two, in the South Division, with the Buildings thereon, to the Rev. Joseph Brown:

*Resolved*, That the Prayer be granted, and that the Petitioner in his said Capacity be and he is hereby empowered to make and execute a good and sufficient Deed of Sale of the above mentioned Premises unto the Rev. Joseph Brown, which Deed so made and executed shall be as good and valid in Law, as if the same had been made and executed by the said Richard Day in his Life-Time, any Law, Usage or Custom to the contrary, notwithstanding. [*Passed June 22.*]

## CHAPTER 147.

RESOLVES FURNISHING STORES, MEN AND BOUNTY MONEY TO COL. ALLAN, SUPERINTENDENT OF INDIAN AFFAIRS AT MACHIAS; ORDERING COMPLETION OF FORTIFICATIONS THERE; ALLOWING INDIANS TO TESTIFY IN TRADE CASES AND PUTTING AN EMBARGO ON PERSONS GOING TO NOVA SCOTIA FOR THEIR EFFECTS.

Legislative  
Records of the  
Council,  
xxxix., 363.  
Mass.  
Archives,  
ccxxiii., 216,  
232.

*Resolved*, That the Board of War be and they are hereby directed to furnish Col. [John]<sup>1</sup> Allan with the Articles mentioned in the Schedule annexed, and whereas they have not all the said Articles by them, they are hereby empowered and directed to borrow of the Continental Agent such Articles as he can supply them with. Also

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, i., 130.



*Resolved*, That the Treasurer of this State be and he is hereby directed to pay into the Hands of the Board of War the Sum of Thirty Thousand Pounds, to enable them to purchase such Articles as they have not in their Possession and cannot borrow of the Continental Agent, where they are to be had, Col. [John] Allan to be accountable to this State for the whole of said Supplies. Also

Mass.  
Resolves,  
May Session,  
chap. 143.

Mass.  
Archives,  
ccxxiii., 218-  
232. Province  
Laws, xx., 678,  
chap. 672.

*Resolved*, That the Company of Artillery-Men under the command of Lieut. [William]<sup>1</sup> Albee be filled up to the Number of Thirty-three, including Officers.

*Resolved*, That a Company of Rangers, consisting of Sixty Men, including Officers, be immediately raised, agreeable to a Resolve of the 20th of April, 1779.

*Resolved*, That the Officers and Seamen on Board the Schooner Neashquewait, be paid according to an Agreement made with them by Col. [John] Allan when they entered.

*Resolved*, That Col. [John] Allan be immediately supplied out of the public Treasury of this State with Two Thousand Pounds, to enable him to pay the Bounty to such Men as he shall inlist, which shall be Thirty Pounds to each Man he shall so inlist, said [John] Allan to be accountable to this State for said Sum.

And whereas sundry Laws and Resolves have been made to prohibit Persons trading with the Indians, all which have hitherto proved ineffectual for want of Evidence, which could not be obtained, as said Indians were not allowed to be admitted as Witnesses: Therefore

*Resolved*, That in future the Indians shall be admitted as good and lawfull Evidence, being first sworn in their own Way.

And whereas great Inconveniences have arisen, and Damage accrued to this State by Persons being permitted to go from hence to Nova-Scotia, under pretence of removing their Effects, which has terminated in an open Trade with the Enemy in some Parts of this State: Therefore

*Resolved*, That in future no Person upon any pretence what ever shall be permitted to go from any Part of this State to Nova-Scotia, until the further Orders of this Court. And it is further

*Resolved*, That Col. [John] Allan proceed to finish the Fort at Machias, or build two Block-Houses, as he shall think best. [Passed June 22.]

Articles which the Board of War can supply viz.

5 hhd Rum and 5 hhd Molasses, Coarse Cloath as a substitute for 10 ps Stroud, 200 steel Indian Knives, 50 barrels Beef, 2 boxes Glass, 20 lb Thread and three Casks Nails.

They can borrow from Mr. [James]<sup>2</sup> Richardson a Continental Commissary 50 barrels Carolina Pork not very good, 2,000 lb Rice, 30 bushels Peas; of Messieurs [Samuel Allyne]<sup>3</sup> Otis & [David]<sup>3</sup> Henley 12 ps Shalloon as a substitute for Calimanco.

Remains

To be purchased with money

3 ps Broad Cloath, qs 75 yds	@ £30	£2,250
10 ps Stroud	@ £160 per piece	1,600
400 White Shirts, qs 1,400 yards	@ £3	4,200
50 ps Ribbon, qs 900 yds	@ 40/	1,800
50 ps Binding, 1,200 yds	@ 3/	180
12 ps Calico, 144 yards	@ £6	864
20 ps Ferret	@ £15	300
80 pound of Thread	@ £6	480
6 doz Scissors	@ £7	42
24 Shott Moulds	@ £10	240

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, i., 102.

<sup>2</sup> *Ante*, p. 63, chap. 118.

<sup>3</sup> Journals of the Continental Congress.



5 hhd weight of Tobacco . . . . .	@ £30 . . . . .	£150
2 boxes Pipes . . . . .	@ £50 . . . . .	100
100 Small Hatchetts . . . . .	@ 40/ . . . . .	200
6 doz Silk Hankerchiefs . . . . .	@ £100 . . . . .	600
6 doz Linnen ditto . . . . .	@ £20 . . . . .	120
12 ps Linnen, 300 yards . . . . .	@ £3 . . . . .	900
6 ps Chex, 150 yards . . . . .	@ £3 . . . . .	450
1,000 lb Shott . . . . .	@ 8/ . . . . .	400
100 barrells Flour . . . . .	@ £120 <sup>1</sup> . . . . .	12,000
1 pipe Wine, qs 120 gallons . . . . .	@ £3 . . . . .	360
600 lb Butter or hogs fatt . . . . .	@ 18/ . . . . .	540
70 bushells Peas or Beans . . . . .	@ £12 . . . . .	840
200 bushells Corn . . . . .	@ £12 . . . . .	2,400
2 Whale-boats and 1 yawl . . . . .		600

£31,616

## CHAPTER 148.

Legislative  
Records of the  
Council,  
xxxix., 365.  
Mass.  
Archives,  
ccxxiii., 206.  
Mass.  
Resolves,  
May Session,  
chap. 150.

Mass.  
Archives,  
ccxxiii., 207,  
207<sup>1</sup>/<sub>2</sub>.

RESOLVE GRANTING £13. 10s. TO ELIJAH CASWELL FOR HIS SON JOHN CASWELL'S WAGES AND BACK RATIONS ON BRIGANTINE HAZARD.

ON THE PETITION of Elijah Caswell, praying for his Son's Wages, as a Seaman in this State's Service, on board the Brig: Hazard:

*Resolved*, That there be allowed and paid out of the Treasury of this State to the said Elijah Caswell, the Sum of Thirteen Pounds ten Shillings, in full for Balance due for his Son John Caswell's Wages and back Rations in the Service aforesaid. [*Passed June 22.*]

## CHAPTER 149.

Legislative  
Records of the  
Council,  
xxxix., 366.  
Mass.  
Resolves,  
May Session,  
chap. 152.

RESOLVE GRANTING £1,800 TO THE HON. JOHN HANCOCK, ESQ., FOR FOUR PAIR OF FOUR-POUND CANNON TAKEN FOR PUBLIC USE IN 1775.

WHEREAS four Pair of Four-Pound Cannon, the Property of the Hon. John Hancock, Esq., were taken at the Beginning of the present Contest for the public Use, and no Consideration has been made therefore: Therefore

*Resolved*, That there be allowed and paid out of the public Treasury of this State to the Hon. John Hancock, Esq., the Sum of Eighteen Hundred Pounds, in full for the said Cannon. [*Passed June 22.*]

## CHAPTER 150.

Legislative  
Records of the  
Council,  
xxxix., 366.  
Mass.  
Archives,  
ccxxiii., 215.  
Mass.  
Resolves,  
May Session,  
chap. 149.

RESOLVE PERMITTING MARY MURPHEY AND HER CHILDREN TO GO TO HALIFAX.

ON THE PETITION of Mary Murphey, praying for Liberty to proceed to Halifax by the first Opportunity:

*Resolved*, That the Prayer of this Petition be granted, and that Mary Murphey be and she hereby is permitted with her two Children to depart this State and proceed to Halifax, in the next Cartel that shall sail from this Port, and not return to this State again, and the Commissary of Prisoners be directed to see that she carry no Letters or Papers detrimental to this or the United States of America. [*Passed June 22.*]

<sup>1</sup> Ante, p. 69, chap. 134, £18,000 L. M. equals \$60,000. Post, p. 106, chap. 204, £500 L. M. equals \$1,666<sup>2</sup>/<sub>3</sub>%.



## CHAPTER 151.

## RESOLVE PERMITTING MERCY GRAVES TO GO TO HALIFAX.

ON THE PETITION of Mercy Graves, praying for Liberty to proceed to Halifax by the first Opportunity:

*Resolved*, That the Prayer of this Petition be granted, and that Mercy Graves be and she hereby is permitted to depart this State and proceed to Halifax, in the next Cartel that shall sail from this Port, and not to return to this State again, and the Commissary of Prisoners be directed to see that she carry no Letters or Papers detrimental to this or the United States of America. [*Passed June 22.*]

Legislative  
Records of the  
Council,  
xxxix., 366.  
Mass.  
Archives,  
ccxxiii., 213.  
Mass.  
Resolves,  
May Session,  
chap. 147.  
Mass.  
Archives,  
ccxxiii., 214.

## CHAPTER 152.

## RESOLVE PERMITTING AMEY LAWRANCE TO GO TO HALIFAX.

ON THE PETITION of Amey Lawrance, praying for Liberty to proceed to Halifax by the first Opportunity:

*Resolved*, That the Prayer of this Petition be granted, and that Amey Lawrance be and she hereby is permitted to depart this State and proceed to Halifax, in the next Cartel that shall sail from this Port, and not to return to this State again, and the Commissary of Prisoners be directed to see that she carry no Letters or Papers detrimental to this or the United States of America. [*Passed June 22.*]

Legislative  
Records of the  
Council,  
xxxix., 367.  
Mass.  
Archives,  
ccxxiii., 212.  
Mass.  
Resolves,  
May Session,  
chap. 148.

## CHAPTER 153.

## RESOLVE PERMITTING MARTIN MEAGHER TO GO TO HALIFAX.

ON THE PETITION of Martin Meagher, praying for Liberty to proceed to Halifax by the first Opportunity:

*Resolved*, That the Prayer of this Petition be granted, and that Martin Meagher be and he hereby is permitted to depart this State, and proceed to Halifax in the next Cartel that shall sail from this Port, and not to return to this State again, and the Commissary of Prisoners be directed to see that he carry no Letters or Papers detrimental to this or the United States of America. [*Passed June 22.*]

Legislative  
Records of the  
Council,  
xxxix., 367.  
Mass.  
Archives,  
ccxxiii., 210.  
Mass.  
Resolves,  
May Session,  
chap. 146.  
Mass.  
Archives,  
ccxxiii., 211.

## CHAPTER 154.

RESOLVES DETACHING MEN FROM THE TRAIN-BAND AND ALARM-LIST OF DARTMOUTH, AND FROM THOSE RAISED FOR THE DEFENCE OF RHODE ISLAND, FOR DUTY AT THE FORT IN SAID TOWN AND PLACES ADJOINING, ON SAME ESTABLISHMENT AS THE GUARDS AT BOSTON AND RUTLAND.

*Resolved*, That the Commanding Officer of the Militia in the Town of Dartmouth immediately upon the Receipt hereof detach or cause to be detached from the Train-Band and Alarm-List in said Town, as many able-bodied Men, including one Lieutenant and such Non-commissioned Officers as the Commanding Officer

Legislative  
Records of the  
Council,  
xxxix., 368.  
Mass.  
Archives,  
ccxxiii., 208.  
Mass.



Resolves,  
May Session,  
chap. 142.

*Ante*, p. 33,  
chap. 66; p. 68,  
chap. 129.

shall think necessary, and also including those who are or shall be raised for the Defence of the State of Rhode-Island, as will make up Thirty Men, to do Duty at the Fort in said Town and Places adjoining, till the 1st Day of December next, unless sooner discharged, and those who shall thus be detached shall be upon the same Establishment as those who are ordered to be raised as Guards for the Towns of Boston and Rutland by a Resolve of this Court of June 18th Instant: And the said Commanding Officer shall make Returns to the Council as soon as may be of the Men he shall thus detach. And it is further

*Resolved*, That the Men whom the said Town of Dartmouth has or shall raise agreeable to a Resolve of this Court passed the 8th of June Instant, for the Defence of the State of Rhode-Island, be ordered by the Commanding Officer of Militia in said Town to do Duty at the Fort in that Place and Places adjoining, till the further Order of this Court, any Act or Resolve of this Court to the Contrary notwithstanding. [*Passed June 22.*]

## CHAPTER 155.

RESOLVES APPOINTING PERSONS IN EACH COUNTY TO ENQUIRE AFTER ESTATES OF ABSENTEES, LIST AND DESCRIBE THEM IN A RETURN TO THE SECRETARY'S OFFICE AND MAKE ADDITIONS FROM TIME TO TIME, AND DIRECTING THE SECRETARY TO TRANSMIT COPIES OF THE SAME TO THE APPOINTEES.

Legislative  
Records of the  
Council,  
xxxix., 369.  
Mass.  
Archives,  
ccxxiii., 261.  
Mass.  
Resolves,  
May Session,  
chap. 165.

Province  
Laws, v., 968,  
chap. 49.

WHEREAS it is proper it should be made known to the General Assembly of this State what Lands and Tenements late belonging to the Persons named and described in a certain Act, entitled "An Act to confiscate the Estates of certain notorious Conspirators against the Government and Liberties of the Inhabitants of the late Province now State of Massachusetts Bay," and to the Persons described in one other Act, entitled "An Act for confiscating the Estates of certain Persons commonly called Absentees," declared to have escheated or liable to be confiscated by and in Virtue of the Acts aforementioned: Therefore

*Resolved*, That Joshua Henshaw, Esq., for the County of Suffolk, Col. Israel Hutchinson for the County of Essex, Col. James Prescott for the County of Middlesex, Joshua Thomas, Esq., for the County of Plymouth, Joseph Nye, Esq., of Sandwich, for the County of Barnstable, Seth Paddleford, Esq., for the County of Bristol, Tristram Jordan, Esq., for the County of York, Levi Lincoln, Esq., for the County of Worcester, John Wait, Esq., for the County of Cumberland, Freeman Wheeler, Esq., for the County of Berkshire, Beriah Norton, Esq., for the County of Dukes County, Stephen Hussey, Esq., for the County of Nantucket, Elisha Porter, Esq., for the County of Hampshire, Roland Cushing, Esq., for the County of Lincoln, be and they hereby are severally appointed to enquire after all such Lands and Tenements as lie within the County for which they are severally appointed as aforesaid, and to make out Lists of such Tracts or Parcels of Lands and Tenements, with a particular Description of the same, as they find did late belong to any of the Persons named or described in either of said Acts, and are the proper Subjects thereof; and that they severally make a Return of such Lists and Descriptions into the Secretary's Office as soon as may be, and that they make Additions thereto from Time to Time, if any future Discovery should be made; and that for their Trouble and Expence in this Business they shall receive a reasonable Compensation, to be hereafter allowed by the General Assembly.



*Ordered*, That the Secretary be and he hereby is directed to transmit attested Copies of the foregoing Resolution and of this Order thereon, to each of the Gentlemen aforementioned as soon as may be. [*Passed June 23.*]

## CHAPTER 156.

RESOLVE DIRECTING THE TREASURER TO PAY \$500,000 TO THE CONTINENTAL LOAN OFFICE PURSUANT TO RESOLVE OF CONGRESS MAY 22, 1779, AND APPROPRIATING \$300,000 TO DISCHARGE PUBLIC DEBTS.

WHEREAS the Sum of Eight Hundred Thousand Dollars has been received by the Treasurer of this State from the Continental Treasurer, by order of Congress, Five Hundred Thousand Dollars of which Congress have ordered to be paid into the Continental Loan-Office in this State, in the Month of August next: Therefore

*Resolved*, That the Treasurer of this State be and he hereby is directed to pay into the Continental Loan-Office the said Sum of Five Hundred Thousand Dollars immediately, taking Receipts, agreeable to the Direction of Congress in their Resolve dated May 22, 1779, and the other Three Hundred Thousand Dollars be and hereby are appropriated for the Payment of such War-rants as have or may be drawn on said Treasurer to discharge the public Debts. [*Passed June 23.*]

Legislative  
Records of the  
Council,  
xxxix., 371.  
Mass.  
Archives,  
ccxxiii., 263.  
Mass.  
Resolves,  
May Session,  
chap. 155.

*Ante*, p. 69,  
chap. 134.

## CHAPTER 157.

RESOLVE RESTRAINING THE INHABITANTS OF NANTUCKET FROM ANY FURTHER CORRESPONDENCE WITH THE ENEMY.

THE COMMITTEE of both Houses to whom was referred the Answer of the Committee in behalf of the Island of Nantucket, and the Papers accompanying the Same, haveing attended that Service, and heard Mr. Stephen Hussey on the Subject Matter thereof, take leave to report the following Resolve

ABRAHAM FULLER per Order

*Resolved*, That it appears by sundry intercepted Letters that several of the Inhabitants of said Island have (not long since) been discovered in a Design to carry on a Correspondence and Trade in an unjustifiable Manner with the British Troops at New-Port and New-York, to the Injury of the Cause of the United States. And the Town of Sherburn as a Town on the Island of Nantucket appear in some measure guilty of a Violation of their Fidelity to said States, by sending a Committee to convey their Memorial in an unwarrantable Manner to the Commanders of the British Troops at New-Port and New-York, without the Approbation of the General Court: But as there was no Treaty proposed by said Inhabitants in said Memorial, or any other that hath yet transpired; and the Island of Nantucket being under such peculiar Circumstances, the further Doings of this Court upon the Information exhibited against said Town be stayed till the Conduct of said Inhabitants is better known. But the said Inhabitants are hereby now strictly forbidden to send any Memorial, or have any further Communication or Correspondence whatever with the Enemies of these United States, without first obtaining the Leave and Approbation of the General Court of the State aforesaid, or the Council of the same in the Recess thereof:

Legislative  
Records of the  
Council,  
xxxix., 371.  
Mass.  
Archives,  
ccxxiii., 245.  
Mass.  
Resolves,  
May Session,  
chap. 156.

Province  
Laws, xx., 684,  
chap. 685.



And the Inhabitants of this State are also required to use their utmost Endeavours to discover any Person or Persons that bath or shall hereafter presume to carry on any Trade or hold any Communication or Correspondence with the Enemies of the United States, and forthwith to give Notice of the same to this Court, that all such Offenders may be brought to condign Punishment for such Offences.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed June 23.*]

## CHAPTER 158.

RESOLVES APPOINTING AND EMPOWERING LEMUEL KOLLOCK, ESQ., AGENT TO PROSECUTE ALL TRESPASSES COMMITTED ON LANDS IN OXFORD AND CHARLTON, BEING PART OF THE ESTATE OF THE LATE WILLIAM BROWN, ESQ., OF SALEM, AND PROVIDING FOR THEIR REDEMPTION IF SOLD FOR TAXES.

Legislative  
Records of the  
Council,  
xxxix., 372.  
Mass.  
Archives,  
ccxxiii., 264.  
Mass.  
Resolves,  
May Session,  
chap. 161.

Mass.  
Archives,  
ccxxiii., 265,  
266.  
Province  
Laws, xx., 463,  
chap. 102.

WHEREAS it has been represented to this Court that such Part of the Estate of William Brown, Esq., late of Salem, in the County of Essex, that lies in the Towns of Oxford and Charlton in the County of Worcester, lies in common and undivided with others, and has by a late Law of this State escheated to the sole Use and Benefit of the Government and People of this State, and that divers Persons, in open Violation of the Laws of this State have entered upon, cut down and carried off large Quantities of Pine and other Timber off said Land, to the great Damage of the Government and People of this State, as well as the other Proprietors of said Land; and whereas no Prosecution can be brought against any Person or Persons who have or shall trespass upon said Lot, by any one of the Proprietors, unless all the Proprietors join in the Prosecution: Therefore

*Resolved*, That Lemuel Kollock, Esq., be appointed Agent, in behalf of the Government and People of this State, to prosecute all Trespases that have been or shall be committed on said Tract of Land, to final Judgment and Execution. And also, he is empowered to join with the other Proprietors in proper Measures to eject any Person or Persons that have or shall presume to enter upon or take Possession of said Land, or any Part thereof.

And whereas several Pieces of said Land have been sold to pay public Taxes: Be it further

*Resolved*, That said Agent be and he is hereby empowered to redeem (if he finds it will be most for the public Interest) said Pieces of Land, in the same Manner other Proprietors may. And that said Agent be accountable to this Court for all Monies he may receive for any Trespass that has been or shall be committed as aforesaid. And that said Agent also keep an exact Account of his Time and Expence, and lay his Account before this Court for Allowance and Payment. [*Passed June 23.*]



## CHAPTER 159.

RESOLVE PERMITTING JAMES DENNIS, PRISONER IN BOSTON GAOL FOR A BREACH OF THE LAWS, TO ENLIST IN A STATE OR CONTINENTAL VESSEL OF WAR, ONE HALF HIS WAGES AND PRIZE-MONEY TO GO TOWARDS HIS FINE, THE OTHER TO HIS FAMILY.

UPON THE PETITION of James Dennis, a Prisoner in Boston [for a breach of the Laws]<sup>1</sup> shewing that he has been corporally punished agreeable to Sentence given upon him, and that he is still held in Confinement for a Fine of Four Hundred Pounds and Costs of Prosecution, which he is unable to pay by reason of his Poverty, and praying Leave to enter into the Continental or State Service by Sea:

*Resolved*, That the said James Dennis have Liberty to enter himself on board of any of the State or Continental Vessels of War, the one Half of his Wages and Prize-Money to be appropriated towards the discharge of the abovesaid Fine and Costs of Prosecution, the other Half towards the Support of his Family; and upon his entring into either of the Services aforesaid, the Keeper of the Gaol is directed to liberate said Dennis. [*Passed June 23.*]

Legislative  
Records of the  
Council,  
xxxix., 374.  
Mass.  
Archives,  
ccxiii., 267.  
Mass.  
Resolves,  
May Session,  
chap. 154.

Mass.  
Archives,  
ccxiii., 268.

## CHAPTER 160.

RESOLVE ALLOWING THE SALE OF CLOTHING, ETC., TO CAPT. JAMES VARNUM AND OTHERS, OFFICERS OF COL. MICHAEL JACKSON'S CONTINENTAL REGIMENT.

ON THE PETITION of James Varnum, Esq., a Captain in Col. Michael Jackson's Regiment in the Continental Service, in behalf of himself and the Officers of said Regiment, praying that he may be admitted to purchase for himself and said Officers out of this State's Stores so much Cloathing as will be sufficient to make one Pair of Summer Breeches for each Officer, and that they may have one Pair of Thread Stockings and one Pair of Shoes each, he paying the stated Price for said Articles: Therefore

*Resolved*, That the Board of War be directed to deliver to Capt. Varnum the abovesaid Articles, he paying the stated Price for them, and giving a Receipt that he has received the same in behalf of himself and said Officers. [*Passed June 23.*]

Legislative  
Records of the  
Council,  
xxxix., 374.  
Mass.  
Archives,  
ccxiii., 269.  
Mass.  
Resolves,  
May Session,  
chap. 163.

Mass.  
Archives,  
ccxiii., 270.

## CHAPTER 161.

RESOLVE REMITTING A FINE OF £100 LAID ON GREAT BARRINGTON FOR DEFICIENCY IN DRAFT OF 1778.

ON THE PETITION of Jonathan Nash of Great-Barrington, praying that said Town might be relieved from a Fine of One Hundred Pounds [for deficiency of one Man in Draft pursuant to Resolve of Apr. 20, 1778],<sup>2</sup> for Reasons set forth in said Petition:

*Resolved*, That the Prayer of said Petition be granted, and that the Treasurer of this State be and he is hereby ordered and directed to pay out of the Treasury of this State the said Sum of One Hundred Pounds to the said Town of Great-Barrington. [*Passed June 23.*]

Legislative  
Records of the  
Council,  
xxxix., 375.  
Mass.  
Archives,  
ccxiii., 275.  
Mass.  
Resolves,  
May Session,  
chap. 159.

Mass.  
Archives,  
ccxiii., 276.  
Province  
Laws, xx., 367,  
chap. 970.

<sup>1</sup> Massachusetts Archives, ccxiii., 268.

<sup>2</sup> *Ibid.*, ccxiii., 276.



## CHAPTER 162.

## RESOLVE ALLOWING THE ACCOUNTS OF THE TREASURER OF SUFFOLK COUNTY.

Legislative  
Records of the  
Council,  
xxxix., 376.  
Mass.  
Archives,  
ccxxiii., 278.  
Mass.  
Resolves,  
May Session,  
chap. 160.

WHEREAS it appears, upon Examination of the County Treasurer's Accounts for the County of Suffolk, that all Monies granted and allowed by the General Sessions of the Peace for said County, from June 1778 to April 1779, were for such Purposes and Appropriations as the Law impowered said Court to grant, and the Balance due to the County is Eight Pounds seven Shillings two Pence and one Farthing: Therefore

*Resolved*, That the said Accounts be allowed. [*Passed June 23.*]

## CHAPTER 163.

## RESOLVE GRANTING £12. 9s. TO THE COMMITTEE OF CORRESPONDENCE, &amp;c., OF IPSWICH FOR MONEY EXPENDED ON THREE FRENCHMEN AND ONE IRISHMAN.

Legislative  
Records of the  
Council,  
xxxix., 376.  
Mass.  
Resolves,  
May Session,  
chap. 166.

ON THE PETITION of the Committee of Correspondence, &c., of the Town of Ipswich, praying for Allowance and Payment for Money expended on three French Men and one Irish Man, as set forth in said Petition:

*Resolved*, That there be allowed and paid out of the public Treasury of this State to said Committee the Sum of Twelve Pounds nine Shillings, in full of their Account. [*Passed June 23.*]

## CHAPTER 164.

## RESOLVES APPOINTING ELISHA AVERY, STATE CLOTHIER, AT £60 PER MONTH, PURSUANT TO RESOLVE OF CONGRESS OF MAR. 23, 1779.

Legislative  
Records of the  
Council,  
xxxix., 377.  
Mass.  
Archives,  
ccxxiii., 277.  
Mass.  
Resolves,  
May Session,  
chap. 162.

WHEREAS the Continental Congress, by their Resolve of March 23, 1779, have determined that a Sub or State-Clothier be appointed by each State respectively, to reside with or near the Army, or such Detachments thereof in which the Troops of said State may be, as the Commander in Chief shall direct, the better to know and supply their Wants: Therefore

*Resolved*, That Mr. Elisha Avery be and he hereby is appointed a State-Clothier for this State, to observe and perform all the Duties enjoined on a State-Clothier in and by said Act or Ordinance for regulating the Clothing Department for the Armies of the United States. And be it further

*Resolved*, That the said Elisha Avery shall be intitled to the Sum of Sixty Pounds per Month for his Service, during the Time he shall be continued in that Office. [*Passed June 23.*]



## CHAPTER 165.

RESOLVE ALLOWING A DEDUCTION OF 2 MEN LAID ON THE TOWN OF FOXBOROUGH AND OF 3 LAID ON THE TOWN OF CAPE ELIZABETH.

ON REPRESENTATION made to this Court by the Towns of Foxborough in the County of Suffolk, and Cape-Elizabeth in the County of Cumberland, that they were over-rated in the Number of Men set to said Towns in a late Resolve of this Court, for filling this State's Quota of the Continental Army: Therefore

*Resolved*, That there be Deducted out of the Number of Men laid on said Town of Foxborough by said Resolve, two Men, and on the said Town of Cape-Elizabeth, three Men, any Resolve of this Court to the contrary notwithstanding. [*Passed June 23.*]

Legislative  
Records of the  
Council,  
xxxix., 378.  
Mass.  
Archives,  
ccxxiii., 279.  
Mass.  
Resolves,  
May Session,  
chap. 164.

*Ante*, p. 38;  
chap. 75.

## CHAPTER 166.

RESOLVE QUIETING REV. WINWOOD SARJEANT IN LIFE POSSESSION OF HOUSE AND LAND IN CAMBRIDGE, LATELY BELONGING TO JOHN VASSAL, ESQ., ABSENTEE.

ON THE PETITION of Samuel Parker, Agent and Attorney to Winwood Sarjeant:

*Resolved*, That the Prayer of said Petition be granted, and that the said Winwood Sarjeant [Clerk]<sup>1</sup> be and he hereby is quieted in the Possession of the House and Land [in Cambridge]<sup>1</sup> mentioned in said Petition, and that he hold the same for and during the Term of his natural Life, any Law to the contrary notwithstanding. And the Agent upon the Estate of John Vassal, an Absentee, is hereby directed not to intermeddle with the said House and Land, but to consider the same as an Estate for Term of Life, belonging to said Sarjeant. [*Passed June 23.*]

Legislative  
Records of the  
Council,  
xxxix., 378.  
Mass.  
Archives,  
ccxxiii., 280.  
Mass.  
Resolves,  
May Session,  
chap. 153.

Mass.  
Archives,  
ccxxiii., 281.

## CHAPTER 167.

RESOLVE STATING PAY OF THE MEMBERS OF THE GENERAL COURT AND MAKING GRANTS TO THE DEPUTY SECRETARY AND THE CLERK OF THE HOUSE ON ACCOUNT OF THE HIGH PRICES OF THE NECESSARIES OF LIFE.

WHEREAS the necessary Expences of the Members of the General Court incurred during their Attendance this present Session have been exceedingly increased by Means of the high Prices of the Necessaries of Life, so that the Pay heretofore allowed is very inadequate to discharge the same: Therefore

*Resolved*, That the pay for the Members of the Honourable Council for the present Session, be made up at Twelve Dollars per Day, and the Members of the House at Ten Dollars a Day, and also that there be allowed and paid out of the Treasury of this State to John Avery, jun., Esq., in Part of his Services as Deputy-Secretary, the Sum of Three Hundred Pounds, and that there be paid out of the Treasury aforesaid to the Hon. Samuel Freeman, Esq., in Part of his Services as Clerk of the House of Representatives, the Sum of Three Hundred Pounds. [*Passed June 23.*]

Legislative  
Records of the  
Council,  
xxxix., 379.  
Mass.  
Archives,  
ccxxiii., 284.  
Mass.  
Resolves,  
May Session,  
chap. 157.

<sup>1</sup> Massachusetts Archives, ccxxiii., 281.



## CHAPTER 168.

VOTE ACCEPTING THE RESIGNATION OF COL. JOSIAH CARTER OF  
THE 8TH REGIMENT IN WORCESTER COUNTY.

Mass.  
Archives,  
ccxxiii., 274.

In the House of Representatives

Read and the House accepts the Resignation of the above-named [Col.] Josiah Carter.

In Council

Read and Concurred. [*Passed June 23.*]

## CHAPTER 169.

VOTE ACCEPTING THE RESIGNATION OF LIEUT. COL. EPHRAIM LANE  
OF A REGIMENT IN BRISTOL COUNTY.

Mass.  
Archives,  
ccxxiii., 273a.

In the House of Representatives

Read and the House accepts the Resignation of [Lieut. Col.]<sup>1</sup> Ephraim Lane.

Mass.  
Archives,  
ccxxiii., 273.

In Council

Read and Concurred. [*Passed June 23.*]

## CHAPTER 170.

RESOLVE GRANTING £15. 14s. EACH TO EPHRAIM AND RICHARD  
WITHERBEE FOR STATE AND CONTINENTAL WAGES AND RE-  
FERRING LOSSES OF GUNS AND-CLOTHING TO THE COMMITTEE  
OF ACCOUNTS.

Legislative  
Records of the  
Council, xxxix., 387.  
Mass.  
Archives,  
clxxiv., 8.  
Mass.  
Resolves,  
May Session,  
chap. 158.

THE COMMITTEE appointed on the Petition of Ephraim Witherbee and Richard Witherbee, Soldiers in Capt. Maignards Company and Col. Thachers Regiment; who were taken prisoners by the British Troops in the Jerseys on the 16th Day of March last and were there Confined after having been Robbed of their Guns, Cloaths, &c., who after having made their Escape arrived home on the 23rd of August last and being not made up on any Muster-Roll for the time of their Imprisonment and Return, Pray for the interposition of this Court; haveing made Due inquiry into the Subject Matter of said Petition find the facts set forth therein so far as Relates to their Imprisonment and return Home to be true and that they have not been made up for said time on Capt. Maynards Muster-Roll. Wherefore your Committee beg leave to Report the following Resolve.

*Resolved*, That there be paid out of the public Treasury of this State to the said Ephraim Witherbee the Sum of Fifteen Pounds fourteen Shillings, and the like Sum of Fifteen Pounds fourteen Shillings to the said Richard Witherbee, in full Compensation for their Wages, both State and Continental, until their return Home, as set forth in said Petition, and that their further Losses of Guns and Cloathing may be by them laid before the Committee of Accounts for their Consideration and Adjustment. [*Passed June 24.*<sup>2</sup>]

<sup>1</sup> Massachusetts Archives, ccxxiii., 273.

<sup>2</sup> This date is June 23 according to Massachusetts Resolves.



## CHAPTER 171.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER 2 GUN CARRIAGES, BALL AND POWDER TO THE SELECTMEN OF SUTTON IN LIEU OF THOSE ORDERED THE 3RD OF FEB. 1778, PAYING TRANSPORTATION.

WHEREAS on the 3rd<sup>1</sup> Day of February, A.D., 1778, a Resolve passed the General Court that the Commissary-General deliver to the Selectmen of Sutton, or their Order, One Hundred and thirty-nine Pounds of Bullets and Forty-one Pounds of Powder, and to cause two Carriages for Four-Pound Cannon, that belonged to Sutton, to be replaced, said Carriages, Powder and Ball to be transported to Sutton and replaced there at the Cost of this State; but so it is that the Board of War have made use of said Carriages, and that they now cannot be had to replace as aforesaid, nor has the Powder and Ball ever been replaced, agreeable to the Resolve of February, 1778: Therefore

*Resolved*, That the Board of War be directed to deliver to the Selectmen of Sutton, or their Order, two Carriages of equal Value with those they have used, and also the Quantity of Ball and Powder aforesaid, and also pay a reasonable Sum of Money for transporting the same to Sutton, and take a Discharge in behalf of the State for the same, said former Order notwithstanding. [*Passed June 24.*]

Legislative  
Records of the  
Council,  
xxxix., 380.  
Mass.  
Archives,  
ccxiii., 301.  
Mass.  
Resolves,  
May Session,  
chap. 177.

Mass.  
Archives,  
ccxiii., 302.  
Province  
Laws, xx., 284,  
chap. 742.

## CHAPTER 172.

RESOLVE PERMITTING TIMOTHY PARSONS TO PLEAD JUSTIFICATION, IN THE SUPERIOR COURT, OF THE SCANDALOUS WORDS SPOKEN AGAINST ABIEL WOOD.

UPON THE PETITION of Timothy Parsons, praying that he may be admitted to plead specially at the Superior Court, at which an Appeal is to be heard and tried of an Action brought against the said Timothy Parsons by one Abiel Wood, at Pownalborough, in September, 1777, for scandalous Words:

*Resolved*, That the Prayer of said Petition be and it hereby is granted for the Reasons set forth in said Petition, and the Superior Court of Judicature, Court of Assize, &c., of this State, before whom said Appeal shall be brought, are hereby impowered and directed to admit the said Petitioner by his Attorney to plead any Matter specially, in justification of the Words alledged in the Writ to have been spoken by said Parsons against said Wood, any Law, Usage or Custom to the contrary notwithstanding. [*Passed June 24.*]

Legislative  
Records of the  
Council,  
xxxix., 380a.  
Mass.  
Archives,  
ccxiii., 322.  
Mass.  
Resolves,  
May Session,  
chap. 179.

Mass.  
Archives,  
ccxiii., 323-  
326.

## CHAPTER 173.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY THE FAMILY OF NEHEMIAH DOANE OF EASTHAM (A SOLDIER IN THE CONTINENTAL ARMY) WITH PROVISION TO THE AMOUNT OF £3.

ON THE PETITION of Nehemiah Doane of Eastham, a Soldier in the Continental Army, representing to this Court, that notwithstanding the Provision made by this Court for the Supply of the Families of the Continental Soldiers and the Penalties the Towns are subject to in case of Noncompliance, yet the said Town

Legislative  
Records of the  
Council,  
xxxix., 380a.  
Mass.  
Archives,  
ccxiii., 303.  
Mass.  
Resolves,

<sup>1</sup> This date is February 7 according to Province Laws, xx., 284, chap. 742.



May Session,  
chap. 176.

Mass.  
Archives,  
ccxxiii., 304.  
Province  
Laws, v., 583,  
chap. 14;  
xx., 159,  
chap. 406; 587,  
chap. 446.

of Eastham refuses to supply his Family agreeable to a Resolve of this Court of October 10, 1777, although frequent Application has been made to them for that Purpose: Therefore

*Resolved*, That the Board of War be and hereby are directed to supply the Family of the said Nehemiah Doane with Provision to the Amount of Three Pounds, agreeable to an Act intitled "An Act against Monopoly and Oppression," and that the said Town of Eastham be accountable for the same, agreeable to a Resolve of February 6, 1779. [*Passed June 24.*]

## CHAPTER 174.

RESOLVES DIRECTING THE BOARD OF WAR TO INFORM THE STATE OF SOUTH CAROLINA, THROUGH THE DELEGATES IN CONGRESS, OF THE CAPTURE OF NEGROES ON THE PRIZE SNOW VICTORIA AND FOR EMPLOYING BOTH MEN AND WOMEN AT CASTLE ISLAND UNTIL THEIR RETURN.

Legislative  
Records of the  
Council,  
xxxix., 381.  
Mass.  
Archives,  
ccxxiii., 305.  
Mass.  
Resolves,  
May Session,  
chap. 180.

Mass.  
Archives,  
ccix., 212;  
ccxxiii., 307.

ON THE REPRESENTATION made to this Court by the Board of War, respecting a Number of Negroes brought into the Port of Boston, on Board the Prize Snow Victoria:

*Resolved*, That the Board of War be and they hereby are directed forthwith to write to our Delegates in Congress, informing them of the state of Facts relating to said Negroes, requesting them to give Information thereof to the Delegates from the State of South-Carolina, that so proper Measures may be taken for the Return of said Negroes agreeable to their Desire. And it is further

*Resolved*, That the Board of War be, and they hereby are directed to put the said Negroes, in the mean Time, into the Barracks on Castle Island in the Harbour of Boston, and cause them to be supplied with such Provision and Cloathing as shall be necessary for their comfortable Support, putting them under the Care and Direction of some prudent Person or Persons, whose Business it shall be to see that the able-bodied Men be usefully employed during their Stay in carrying on the Fortifications on said Island, or elsewhere within the said Harbour; and that the Women be employed according to their Ability, in Cooking, Washing, &c. And that the said Board of War keep an exact Account of their Expenditures in supporting said Negroes. [*Passed June 24.*]

## CHAPTER 175.

VOTE FOR SENDING A NAVAL FORCE TO PENOBSCOT, CONSISTING OF ARMED STATE AND PRIVATE VESSELS IN BOSTON, SALEM, MARBLEHEAD, BEVERLY AND NEWBURYPORT, THAT CAN BE GOT READY WITHIN SIX DAYS.

POWNALBOROUGH, June 19, [1779]

Legislative  
Records of the  
Council,  
xxxix., 382.  
Mass.  
Archives,  
ccxxiii., 308,  
348. Mass.  
Resolves,  
May Session,  
chap. 172.

May it please your Honors

Col. [Jonathan]<sup>1</sup> Buck is here on hi[ ] an express to inform your Honors of the Arriva[ ] of the Enemy at Penobscot on Saturday last viz. a S[hip] of Thirty-two Guns, another of Twenty Guns, and anothe[r] of Eighteen, a Brig of Sixteen or Eighteen Guns and a S[choo]ner of Ten Guns, and Five or Six Transport Vessels with Eight hundred Troops Commanded by Gen. [Francis]<sup>2</sup>

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, ii., 746.

<sup>2</sup> [John Calef], The Siege of Penobscot by the Rebels; containing a Journal of the Proceedings of His Majesty's Forces . . . under the Command of Brigadier-General Francis M'Lean . . . [London], 1781.



McLean. Their determination as it is said is [to] erect a Fort where Penobscot Fort stood and another a[t] Majabaggaduce. At the last mentioned Place the[y] had begun their work before Col. Buck left Penobscot which was last Wednesday. For a more particular Account I refer your Honors to Col. Buck as also with regard to the manner of his being forced from his habitation and the distressed situation of the Inhabitants for want of Provisions.

Your Honors too well know the Utility of that Harbour to this State to suffer it long in their Possession, as well as the great Advantage it would be to them in distressing our Navigation. There is a great difficulty in the way of the Militia of this County turning out not having provisions to support them, not one Family in Ten having Bread in their Houses nor any thing else scarcely except from day to day. Neither is there a sufficiency of arms nor amunition. I mention these difficulties that if your Honors should form any Plan to expel them, with Assistance from the Militia of this County and the County of Cumberland that there should be supplies of this sort made. There seems a propriety in [g]iving this Matter a Consideration on many [A]ccounts, in particular on account of the low ebb [of] our Currency, designing persons taking Advantage of this to seduce many well disposed persons that hard Money will be Plenty whereby they may obtain the Necessarys of Life more readily. If the General Court should think proper to send a suitable force of shipping which with other Assistance by Land it is thought they might easily be dislodged.

I am unacquainted with regard to the Payment of expresses but conclude it must be at the expence of the State. I have afforded Col. Buck what assistance was in my Power. I have procured him a Horse. Should be glad he might receive directions for obtaining his Pay

I am with the greatest Respect

Your Honors Most Obedient Humble Servant

CHARLES CUSHING Brigadier

THE COMMITTEE of both Houses appointed to take into Consideration the Letter from Brigadier Cushing, and report what may be proper to be done thereon, have attended said Service and report as their Opinion, that it is expedient to send a Naval Force to Penobscot, to dislodge the Enemy that has lately taken Post there; that the Board of War be directed to fit for Sea all armed Vessels belonging to this State that can be fitted for a Cruise against said Enemy within six Days, and the Navy Board, and Owners of private armed Vessels now in the Port of Boston, and in the Ports of Salem, Marblehead, Beverly and Newbury-Port, be desired to fit such Vessels for Sea that can be got ready within six Days to co-operate with the State Vessels against said Enemy, and the Committee ask leave to sit again.

All which is submitted

WALTER SPOONER by Order.

In the House of Representatives

Read and accepted

In Council

Read and Concurred. [*Passed June 24.*]



## CHAPTER 176.

RESOLVE GRANTING ADDITIONAL PAY TO JOHN DEMING AND PETER BOYER, COMMITTEE TO METHODIZE AND STATE ACCOUNTS, OWING TO THE ADVANCED PRICE OF NECESSARIES.

Legislative  
Records of the  
Council,  
xxxix., 382.  
Mass.  
Archives,  
cexxiii., 309.  
Mass.  
Resolves,  
May Session,  
chap. 184.

Province  
Laws, xx., 581,  
chap. 430.

ON THE PETITION of John Deming and Peter Boyer, a Committee appointed to methodize and state the Accounts of this State, praying for a further Allowance for the Services aforesaid, by reason of the Necessaries of Life being much advanced, as set forth in their Petition:

*Resolved*, That there be allowed and paid out of the public Treasury to John Deming and Peter Boyer, in addition to their former Allowance of Fifty Shillings per Day, the Sum of Ten Shillings per Day to each of them, from the 1st Day of January last until the 1st Day of April last; and from the 1st Day of April aforesaid until this Day the Sum of Twenty-two Shillings, in addition to said Fifty Shillings, making Twelve Dollars per Day each; and for their future Services in the Business aforesaid such Sums and Allowances as this Court shall order. [*Passed June 24.*]

## CHAPTER 177.

RESOLVES DIRECTING THE BOARD OF WAR TO FURNISH SHOES AND STOCKINGS FOR THE COMMISSIONED OFFICERS OF COL. GAMALIEL BRADFORD'S CONTINENTAL REGIMENT AND TO KEEP DISTINCT ACCOUNTS OF ALL SUCH EXPENDITURES.

Legislative  
Records of the  
Council,  
xxxix., 383.  
Mass.  
Archives,  
cexxiii., 311.  
Mass.  
Resolves,  
May Session,  
chap. 167.

Mass.  
Archives,  
cexxiii., 312.

ON THE PETITION of Lieut. John Fuller of Col. Gamaliel Bradford's Regiment, in the Service of the United States, in behalf of himself and the Officers of said Regiment, praying for an Allowance of one Pair of Shoes, and one Pair of Stockings for each Officer belonging to said Regiment, at a certain stipulated Price:

*Resolved*, That the Board of War be and they are hereby ordered and directed to deliver to the said Lieut. John Fuller, one Pair of Shoes and one Pair of Stockings for each of the Field, Staff, and Commissioned Officers of said Regiment, he paying the stipulated Price for the same, and giving a Receipt therefor. And it is further

*Resolved*, That the Board of War be directed to keep a distinct and separate Account of this and all other Expenditures of this kind, which has been or may hereafter be delivered to any of the Officers and Privates engaged in this State's Quota of the Continental Army. [*Passed June 24.*]

## CHAPTER 178.

RESOLVE EMPOWERING THE HEIRS OF DORCAS ADAMS, WIDOW, TO SELL MEADOW LAND IN MEDWAY AND MEDFIELD.

Legislative  
Records of the  
Council,  
xxxix., 384.  
Mass.  
Archives,  
cexxiii., 313.  
Mass.  
Resolves,  
May Session,  
chap. 178.

ON THE PETITION of Jonathan Adams and others, [heirs of Dorcas Adams, widow]<sup>1</sup> praying for Liberty to sell a certain Tract of Meadow-Land, lying in the Towns of Medway and Medfield, containing One Acre and three Quarters, for Reasons set forth in said Petition:

*Resolved*, That the Prayer of said Petition be granted, and that

<sup>1</sup> Massachusetts Archives, cexxxiii., 314.



Nathan Daniell and Joseph Johnson, two of the Subscribers to said Petition, be and they hereby are authorized and impowered to make Sale of said Land, and execute a good and lawful Deed of the same, giving proper Security to the Judge of Probate for the County of Suffolk, that the neat Proceeds of said Sale shall be disposed of amongst the Heirs to said Land as the Law directs with respect to the Settlement of Intestate Estates. [*Passed June 24.*]

Mass.  
Archives,  
ccxxiii., 314.

## CHAPTER 179.

RESOLVE DIRECTING THE BOARD OF WAR TO ENGAGE PRIVATEERS AND EQUIP STATE VESSELS TO JOIN WITH THE CONTINENTAL NAVY IN PENOBSCOT EXPEDITION, THE PRIVATEERSMEN TO RECEIVE CONTINENTAL PAY AND LOSS OR DAMAGE OF THE VESSELS TO BE MADE GOOD.

WHEREAS by a Vote of Council passed this Day, the Owners of Private armed Vessels in the Port of Boston and the neighbouring Ports are desired to fit out such Vessels to co-operate with such armed Vessels belonging to this State as may be sent by the Board of War within six Days to Penobscot, to dislodge the Enemy there, but no Assurance is therein given to said Owners that any Damages they may sustain in such Expedition shall be made good to them: Therefore

Legislative  
Records of the  
Council,  
xxxix., 385.  
Mass.  
Archives,  
ccxxiii., 317.  
318. Mass.  
Resolves,  
May Session,  
chap. 174.

*Resolved*, That the Board of War be and they are hereby impowered and directed to engage as many armed Vessels of private Property as they judge proper and suitable to join with the Continental and State Ships or Vessels destined to Penobscot, and to engage to the Owner or Owners of such armed Vessels as they shall procure, that in case the said Vessels or any of them shall be lost or damaged while on said Expedition, this State will make good such Loss or Damage, and allow the Officers and Seamen of such armed Vessels the same Pay, Rations and Privileges as are allowed to the Continental Navy, and the Board of War are hereby directed immediately to equip all the State Vessels now in this Harbour that are proper for such an Expedition, and can be fitted for sailing within six Days, and order them to sail as soon as possible, with such private armed Vessels as they may procure as aforesaid, together with such Continental Ships or Vessels as the Navy-Board may order to co-operate with them, and forthwith to proceed to Penobscot, to dislodge the Enemy now at that Place. [*Passed June 24.*]

Mass.  
Archives,  
ccxxiii., 316.  
*Ante*, p. 90,  
chap. 175.

## CHAPTER 180.

RESOLVE ADDING JOHN SCOLLAY, ESQ., TO THE COMMITTEE FOR SIGNING BLANK NOTES.

WHEREAS an Act was passed April 23, 1779, to supply the Treasury with the Sum of Two Hundred Thousand Pounds, and the Treasurer was directed to give his Notes for the Amount of said Sum, and Mr. Stephen Minot and John Mascarene, Esq., were appointed a Committee to sign the Blank-Notes on the Left Hand, agreeable to a Form prescribed:

*Resolved*, That John Scollay, Esq., be added to said Committee, and that any two of them be sufficient, and may sign said Blank-Notes, accordingly. [*Passed June 24.*]

Legislative  
Records of the  
Council,  
xxxix., 386.  
Mass.  
Archives,  
ccxxiii., 315.  
Mass.  
Resolves,  
May Session,  
chap. 183.

Province  
Laws, v., 964,  
chap. 46.



## CHAPTER 181.

RESOLVES REPEALING RESOLVE OF FEBRUARY 27<sup>TH</sup> LAST AND RE-ESTABLISHING AND CONFIRMING THE WILL OF WILLIAM BURROUGHS LATE OF ROXBURY, AND EXTENDING THE TIME OF ITS FULFILMENT UNTIL 5 YEARS AFTER THE WAR, ON ACCOUNT OF THE SCARCITY OF LABOR AND MATERIALS.

Legislative  
Records of the  
Council,  
xxxix., 387.  
Mass.  
Archives,  
ccxxiii., 290.  
Mass.  
Resolves,  
May Session,  
chap. 181.

Mass.  
Archives,  
ccxxiii., 292–  
298. Province  
Laws, xx., 644,  
chap. 590.

ON THE PETITION of Ezra Davis and Eleazer Weld, two of the Executors of the last Will and Testament of Mr. William Burroughs, late of Roxbury deceased, setting forth, that there was a Petition preferred to the then General Court by the Devisees that said Will might be altered, and whereas the said Executors not being notified nor having a Hearing on the Premises, the then Court by Misinformation set aside said Will in Part; and whereas the said Ezra Davis and Eleazer Weld pray to have said Resolve of Court of the 27th Day of February last set aside and made void, and said Will be confirmed and re-established, as set forth in their Petition:

*Resolved*, That the Prayer of the said Ezra Davis and Eleazer Weld, Executors aforesaid, be granted and the said Resolve of the General Court of February 27, 1779 be and hereby is repealed and made void, and that said last Will and Testament of the said William Burroughs is hereby re-established and confirmed to all Intents and Purposes whatsoever, any former Order or Resolve of the General Court to the contrary notwithstanding.

And whereas by said Will it appears that there was a Number of small Lots of Land ordered to be sold, and to have a House built on each Lot, within five Years after the Decease of the Testator, but inasmuch as the great Difficulties of the War have in a great Measure rendered it almost impracticable, and if attempted, very expensive to build said Houses by the Time aforesaid: And whereas the real Spirit of the Will aforesaid may be complied with if a longer Time should be allowed to build said Houses on said small Lots of Land, and would much advance the Price of said Lots, and likely be a Benefit both to the third Precinct in Roxbury and also to the Legatees, to which Alteration the Parties mutually agree to and request to have done: Therefore it is further

*Resolved*, That under the peculiar Difficulties of building at this present Time by Reason of the War and Scarcity of Labour and Materials, that the Time for building the Houses on the small Lots of Land aforesaid be lengthened out, and to be built at or before the Term of five Years, next after this present War is closed. [*Passed June 24.*]

## CHAPTER 182.

RESOLVES ACCEPTING A PLAN OF MAINE MADE BY ALEXANDER SHEPARD, JUN., PURSUANT TO RESOLVE OF MAR. 8, 1777, AND CONFIRMING COMPENSATING GRANT OF LAND IN CUMBERLAND COUNTY.

Legislative  
Records of the  
Council,  
xxxix., 388.  
Mass.  
Archives,  
clxxxv., 176.  
Mass.  
Resolves,  
May Sessions,  
chap. 182.

WHEREAS the General Court of this State did on the 7th Day of March 1777 grant unto Alexander Shepard, jun., a certain Tract of Land, laying in the County of Cumberland, upon certain Conditions, one of which was that the said Shepard should furnish this State with an accurate Plan of all the late Province of Main, to the Acceptance of the General Court; and whereas



the said Shepard has executed a Plan of the said Province of Main, and presents it for Acceptance: Therefore

*Resolved*, That the said Map<sup>1</sup> of the late Province of Main, presented to this Court by Alexander Shepard, jun., be and hereby is accepted. And it is further

*Resolved*, That the Tract of Land granted to the said Alexander Shepard, by the General Court of this State on the 7th Day of March, 1777, be and hereby is confirmed to him the said Alexander Shepard, his Heirs and Assigns forever, by the following Bounds, viz. beginning at a Stake and Stones supposed to be standing in or near Thompson Pond, so called, seven Miles and a Quarter North-West from a Beech Tree standing in the Head Line of New Gloucester, and four Miles North-East from the North-West Corner of said New Gloucester, thence running North forty-five Degrees East twelve Miles to a white Pine Tree, then running North twenty Degrees East three hundred and fifty Poles to a Stake and Stones, then turning and running North seventy Degrees West four Miles and a half to a Beech Tree, then turning and running South fourteen Degrees East seven hundred and thirty-six Poles to a Pine Tree, then turning and running South sixty-eight Degrees and a half West five Miles, then turning and running North fourteen Degrees West two Miles, then turning and running South fifty-four Degrees West twelve hundred and sixteen Poles to a Hemlock Tree, then running South twenty-five Degrees East seven Miles and a Half and twenty Poles to the Stake and Stones first mentioned, exclusive of the Grants already made to Jonathan Greenleaf, Esq., and J[eremiah, Esq.,]<sup>2</sup> Green and provided it does not interfere with any former Grant, and be the said Shepard fulfilling the Conditions in said Grant.

[*Passed June 24.*]

Mass.  
Archives,  
clxxxv., 174,  
175. Province  
Laws, xix., 819,  
chap. 901.

## CHAPTER 183.

### VOTE CHOOSING FIELD OFFICERS OF THE 8TH REGIMENT IN WORCESTER COUNTY.

#### In the House of Representatives

The House, by Ballot, made Choice of the following Gentlemen as Field-Officers of the eighth Regiment of Militia in the County Worcester, viz.

John Rand . . . . .	Colonel
Ebenezer Bridge . . . . .	Lieutenant Colonel
David Wilder . . . . .	First Major
Joseph Ballos . . . . .	Second Major

Legislative  
Records of the  
Council,  
xxxix., 390.  
Mass.  
Archives,  
ccxxiii., 289.  
Mass.  
Resolves,  
May Session,  
chap. 173.

#### In Council

Read and Concurred. [*Passed June 24.*]

<sup>1</sup> This map is not in the Massachusetts Archives, State Library, Historical Society, Boston Public Library, Harvard College Library; Maine Department of State, Historical Society, Land Agent or State Library; the American Antiquarian Society or the Library of Congress.

<sup>2</sup> Province Laws, xix., 819, chap 901.



## CHAPTER 184.

RESOLVE DIRECTING THE MARITIME COURT FOR THE MIDDLE DISTRICT TO MAKE UP A DECREE IN THE CAUSE OF JOHN BRADFORD AGAINST THE SHIP VIPER AND TO FURNISH MARTIN BRIMMER, AGENT FOR THE OFFICERS AND CREW OF THE CONTINENTAL FRIGATE DEANE, WITH AN AUTHENTICATED COPY OF THE PROCEEDINGS.

Legislative  
Records of the  
Council,  
xxxix., 391.  
Mass.

Archives,  
ccxxiii., 319.

Mass.  
Resolves,  
May Session,  
chap. 170.

Mass.  
Archives,  
ccxxiii., 320.

UPON THE PETITION of Martin Brimmer, Agent for the Officers and Crew of the Continental Frigate Deane, [now at Philadelphia preparing for another Cruise:]<sup>1</sup>

*Resolved:* That the Prayer of the Petition be granted, and the Judge of the Maritime Court for the Middle District of this State be and he hereby is impowered and directed to make up a Decree in the Cause lately tried at a Maritime Court in said District, upon the Libel of John Bradford against the Ship Viper; and the Clerk of said Maritime Court is hereby directed to furnish the said Brimmer, upon his Application with an authenticated Copy of the Proceedings in the said Cause, any Law, Usage or Custom to the contrary notwithstanding. [*Passed June 24.*]

## CHAPTER 185.

RESOLVE MAKING AN ESTABLISHMENT FOR CERTAIN STAFF OFFICERS OF MILITIA WHO HAVE BEEN DETACHED OR MARCHED UPON AN ALARM OR HAVE VOLUNTEERED, OMITTED IN RESOLVE OF MAY 1ST.

Legislative  
Records of the  
Council,  
xxxix., 392.  
Mass.

Archives,  
ccxxiii., 285.

Mass.  
Resolves,  
May Session,  
chap. 169.

Province  
Laws, xx., 702,  
chap. 733.

[WHEREAS, in the Resolve of the]<sup>2</sup> 1st of May last for [making an Establishment] for the Militia [no Provision or Establishment] was made for [Chaplains of Brigades], or for Sur[geons, Surge]on's-Mate[s, Adjutants] and Quarter-Masters of Regiments, who have been detached or marched upon an Alarm, or have turned out in the Capacity of Volunteers and have regularly done Duty in any Part of this State or the State of Rhode-Island: Therefore

*Resolved,* That there be allowed and paid out of the public Treasury to each Chaplain of a Brigade the Sum of Fourteen Pounds, to each Surgeon the Sum of Ten Pounds, to each Surgeon's-Mate the Sum of Nine Pounds, to each Adjutant the Sum of Ten Pounds, and to each Quarter-Master the Sum of Nine Pounds per each Calendar Month, in Addition to the Continental Pay and Rations, who have done Duty as aforesaid, and did not leave the Service till regularly dismissed. And in Cases of Alarms and other Cases where they are not entitled to receive Pay from the Continent, that the Continental Pay and the additional Pay mentiond in this and the said Resolve of the 1st of May last be allowed and paid out of the Treasury of this State; provided the Adjutants and Quarter-Masters shall not be entitled to the foregoing Establishment if they were taken from the Line. Provided, That this Resolve and the Resolve aforesaid of the 1st of May shall not be construed to look back further than the 1st of April One Thousand seven Hundred and seventy-eight. [*Passed June 24.*]

<sup>1</sup> Massachusetts Archives, ccxxiii., 320.

<sup>2</sup> MS. mutilated; text supplied from Massachusetts Resolves.



## CHAPTER 186.

RESOLVE DIRECTING THE COMMITTEE OF ACCOUNTS TO ALLOW SELECTMEN OR COMMITTEES SUPPLYING THE FAMILIES OF SOLDIERS IN THE CONTINENTAL ARMY COMPENSATION FOR THEIR TIME, TROUBLE AND EXPENSE.

Legislative  
Records of the  
Council,  
xxxix., 393.  
Mass.  
Archives,  
ccxiii., 286.  
Mass.  
Resolves,  
May Session,  
chap. 168.

Province  
Laws, xx., 587,  
chap. 446.

*Resolved*, That the Committee of Accounts be and they hereby are directed to allow the Selectmen or Committees, who shall exhibit Accounts for supplying the Families of Soldiers in the Continental Army, pursuant to a Resolve of the General Court of the 6th of February last, such Compensation, for their Time, Trouble, and Expence in performing such Service as they shall think just and reasonable. [*Passed June 24.*]

## CHAPTER 187.

RESOLVES GRANTING PAYMENT TO THE SELECTMEN OF SEVERAL TOWNS THAT HAVE ADVANCED BOUNTIES TO SOLDIERS SERVING IN COLONELS WADE'S AND JACOBS'S REGIMENTS AT RHODE ISLAND, AND TO HAUNCE ROBINSON THE £14 ADVANCED TO PIERCE GRAFTON.

IT BEING REPRESENTED to this Court by the Selectmen of the several Towns in this State, setting forth, that they have advanced Bounties to Soldiers detached from the Militia in their respective Towns, to serve in Wade's and Jacobs's Regiment at Rhode-Island, the last Year, agreeable to a Resolve of the General Court of this State passed June 12, 1778, as appears by their Accounts exhibited to this Court, for which they have received no Consideration: Therefore

Legislative  
Records of the  
Council,  
xxxix., 393.  
Mass.  
Archives,  
ccxiii., 288.  
Mass.  
Resolves,  
May Session,  
chap. 175.

Province  
Laws, xx., 441,  
chap. 55.

*Resolved*, That their be paid out of the public Treasury of this State to the Selectmen of the several Towns hereafter named the several Sums as set against their respective Towns, viz.

To the Selectmen of Westford, Ninety-eight Pounds, for Bounties paid seven Men, which were detached from said Town, in full.

To the Selectmen of Topsfield, Fifty-six Pounds, for Bounties advanced by the Selectmen to four Soldiers detached from said Town, in full.

To the Selectmen of the Town of Bellingham, Fifty-six Pounds, for Bounties advanced by the Selectmen to four Soldiers detached from said Town, in full.

To the Selectmen of Watertown, Fifty-six Pounds, for Bounties by them advanced to four Soldiers detached from said Town, in full.

To the Selectmen of Freetown, Fifty-six Pounds for Bounties paid to four Soldiers detached from said Town of Freetown, in full.

To the Selectmen of the Town of Warren, Fourteen Pounds, for a Bounty advanced to one Soldier detached from the Town of Warren, in full. And it is further

*Resolved*, That their be paid out of the public Treasury of this State to Haunce Robinson, of a Plantation in the County of Lincoln, called the Lower Town of St. George, for a Bounty of Fourteen Pounds, advanced to one Pierce Grafton,<sup>1</sup> a Soldier detached from said Plantation to join the abovesaid Regiments, in full. [*Passed June 24.*]

<sup>1</sup> Grafton in Massachusetts Soldiers and Sailors of the Revolutionary War, vi., 704.



## CHAPTER 188.

Legislative  
Records of the  
Council,  
xxxix., 394.  
Mass.  
Archives,  
ccxxiii., 287.  
Mass.  
Resolves,  
May Session,  
chap. 171.

Province  
Laws, xx., 541,  
chap. 310.

RESOLVE DIRECTING THE COMMITTEE ON MUSTER ROLLS TO EXAMINE THE ACCOUNTS EXHIBITED BY LIEUT. MATTHIAS MOSMAN FOR SERVICES AT RHODE ISLAND.

*Resolved*, That the Committee on Muster-Rolls be and they hereby are directed to receive and examine the Accounts exhibited by Lieut. Matthias Mosman, for Services done by himself and thirteen Men, detached from the Militia to do duty at Rhode-Island in Col. John Jacobs's Regiment, from the 1st Day of July to the 10th of Oct. 1778, agreeable to a Resolve passed Oct. 16th 1778, making Provision for the Payment of the Supernumerary Officers appointed for said Regiment. [*Passed June 24.*]

## CHAPTER 189.

RESOLVES PUTTING THE THREE COMPANIES OF ARTILLERY NOW UNDER COMMAND OF LIEUT. COL. PAUL REVERE UPON THE SAME ESTABLISHMENT AS THE FIFTEEN BATTALIONS, DISCIPLINE AS OF THE CONTINENTAL ARMY, PARDONING DESERTERS FROM COL. CRAFTS'S REGIMENT WHO SHALL RETURN TO SAID COMPANIES, AND DIRECTING ALL MILITIA OFFICERS TO APPREHEND THOSE ATROCIOUS OFFENDERS WHO REFUSE TO RETURN.

BOSTON, June 9, 1779.

THE PETITION of Lieut. Col. Paul Revere, commanding a Corps of Artillery in the State's Service, humbly shews:

That your Petitioner and others, did, about the 14th of last February petition the Honorable Court in behalf of the Officers, and Men, then in Col. Crafts's Regiment, that they might receive, the same advantages as the fifteen Battalions, for reasons set forth in said petition.

The Honorable Court, upon enquiring into the State of the Regiment, thought fit to reduce it to three Companys; and gave the Command to your Petitioner; By reason of the difficulties which then arose in the Regiment, and it being near the close of a Session, the Court did not Act any farther upon it; Your Petitioner was assured by the Hon. Mr. [Walter]<sup>1</sup> Spooner, Caleb Davis, Esq., and Col. [John]<sup>2</sup> Brown, that the Court would take the petition up again at the beginning of the next Session: which I made known to the Officers and Men. The Honorable Court did take it up and granted the prayer; but the Honorable Council were pleased to nonconcur all but that part which appointed the Surgeon's Mate, Chief Surgeon, which is fully set forth in a Letter, from the Officers to your Petitioner, which is annexed.<sup>3</sup> Your petitioner prays that he may be heard by a Committee upon the Matter; and as in duty bound will ever pray &c.

PAUL REVERE.

Your Petitioner begs leave to represent to the Honorable Court, that several of his men have deserted and gone in Privateers and are now upon a Cruise; that one of them has sent in a Valuable Prize. That your [Petitioner] has forbid the Agent paying any part of their Share to them or Order. He therefore prays that the Honorable Court would take the Matter into consideration

<sup>1</sup> Council.

<sup>2</sup> Province Laws, xx., 422.

<sup>3</sup> See Massachusetts Archives, ccxxiii., 328.

Legislative  
Records of the  
Council,  
xxxix., 333.  
Mass.  
Archives,  
ccxxiii., 327.  
Mass.  
Resolves,  
May Session,  
chap. 185.

Mass.  
Archives,  
ccxxiii., 328-  
331. Province  
Laws, xx., 642,  
chap. 587.



and pass such an Act as will hinder them from recovering their Wages or prize Money that they may have no inducement to Desert.

Your Humble Servant

PAUL REVERE Lieut. Col[onel] A[ctin]g.

On the Petition of Col. Paul Revere

*Resolved*, That the three Companies which have been formed out of the Regiment lately commanded by Col. Thomas Crafts, agreeable to a Resolve of this Court of 26th February last, be and hereby are included in the Resolve of said Court of the 6th of February last, for the Relief of the Officers and Soldiers of the fifteen Battalions raised in this State for the Continental Army. Also

*Resolved*, That there be advanced and paid out of the Treasury of this State by the 1st Day of December next to each of the Officers and Soldiers belonging to said Companies the same Sums which were granted to Officers of equal Rank and Soldiers in the fifteen Battalions aforesaid, by a Resolve of this Court of the 1st of May 1778; and that the same Regulation and Discipline as far as respect Courts Martial and Punishments thereby and no further, be observed in said Companies which are established for the Government of the Continental Army. And it is further

*Resolved*, That Col. Revere be and hereby is directed to publish and proclaim Pardon from this State, to all and every Soldier who have deserted the Service of this State, belonging to the late Col. Crafts's Regiment, provided he or they shall return to the said Companies now Commanded by the said Col. Paul Revere, on or before the 10th Day of July next, and that such as shall so return to their Duty, and continue in said Service the Term they intitled for, shall be intitled to receive the above Benefits and Gratuities, as though they had not deserted: But if any of the aforesaid Deserters shall continue their Audacity, and refuse or neglect to return to their Duty as aforesaid, all Militia Officers within this State be and hereby are strictly enjoined to apprehend all such, and send them immediately under Guard to Boston, and deliver them to the said Colonel that they may receive the Punishment due to such atrocious Offenders, and the reasonable Expence thereof shall be paid by the Committee on Accounts, which Sum the said Colonel is required to stop out of such Soldiers' future Pay. [*Passed June 25.*<sup>1</sup>

## CHAPTER 190.

RESOLVE EMPOWERING THE BOARD OF WAR TO TAKE OR PURCHASE BREAD OR OTHER PROVISIONS FOR NAVAL EXPEDITION DESIGNED FOR THE EASTERN COAST.

WHEREAS the Motions of the Enemy upon the Eastern Coast are such as may render a Naval-Expedition necessary and as a Supply of Bread and other Provisions may be immediately wanted: Therefore

*Resolved*, That the Board of War be and hereby are empowered to take for public Use from any Vessell or Store such Bread or other Provisions as they may have occasion for, provided a sufficient Quantity cannot be purchased, the same to be apprizd by Persons mutually chosen by the Board of War and the Owners of

Legislative  
Records of the  
Council,  
xxxix., 396.  
Mass.  
Archives,  
ccxxiii., 333.  
Mass.  
Resolves,  
May Session,  
chap. 190.  
*Ante*, p. 90,  
chap. 175.

<sup>1</sup> This date is the same in Massachusetts Resolves, but is June 16 according to Legislative Records of the Council.



such Provision, and in case the Owners refuse to joyn in such Apprizement, then the Apprizers to be appointed by the Board of War. And the Honorable Council are hereby requested to give order on the Treasurer in favour of the Board of War for such Sums of Money as will be sufficient to pay for any Bread or Provision so taken or purchased. [*Passed June 25.*]

## CHAPTER 191.

ORDER DESIRING THE PRESIDENT OF THE COUNCIL TO SIGN THE ANSWER TO THE MEMORIAL OF JONATHAN JACKSON AND OTHERS OF NEWBURYPORT, RELATIVE TO THE PENOBSCOT EXPEDITION.

Mass.  
Resolves,  
May Session,  
chap. 193.  
Mass.  
Archives,  
clxxxv., 228-229.

THE COMMITTEE of both Houses to whom was committed the Memorial from the Merchants of Newbury-Port report the annexed Letter

WALTER SPOONER per Order

In Council

Read and Accepted and thereupon

*Ordered*, That the President of the Council be and he hereby is desired to sign said Letter in the name and behalf of the General Court

In the House of Representatives

Read and Concurred. [*Passed June 25.*]

GENTLEMEN,

The General Court are highly pleased with the Patriotism that distinguishes the Memorial you have laid before them; previous to the Receipt thereof the General Assembly had resolved on an Expedition to Penobscot, to dislodge the Enemy there, a Copy of which is herewith sent you; and are equipping a Fleet and preparing a Land Force to co-operate for that purpose. We shall depend upon the four Vessels first mentioned in your Memorial, and shall rest entirely satisfied that the same disinterested Spirit which has ever appeared in your Conduct will prompt you to man, water, wood and equip for sailing, said Vessels immediately, that they may be ready to sail as soon as the Provision for the same shall come to Hand, which the General Court will immediately send; the whole Expence shall be reimbursed you according to the Resolve inclosed; the four Vessels by you mentioned in addition to the Continental Frigate, Sloop Providence, State Vessels and others taken up here, will be sufficient to compleat the Design.

In the Name of the General Court, I am, Gentlemen,  
Your most obedient humble Servant  
President.

To Messieurs JONATHAN JACKSON,  
JOHN TRACEY,  
JOSEPH MARQUAND,  
NATHANIEL TRACEY,  
TRISTRAM DALTON,

SAMUEL BATCHELOR,  
JOHN COFFIN JONES,  
JACOB BOARDMAN,  
THOMAS THOMAS,  
Merchants at Newbury-Port.

Mass.  
Archives,  
clxxxv., 225-  
227.



## CHAPTER 192.

RESOLVES DIRECTING THE BOARD OF WAR TO SELL THE REMAINDER OF THE EFFECTS OF THE SHIP SOMERSET (EXCEPTING CANNON AND GOODS RESERVED FOR PUBLIC USE) AND TO SETTLE WITH THE SALVORS AGREEABLE TO THE JUDGMENT OF COURT.

WHEREAS the Suit at Law commenced by the Salvors of the Cannon and Stores of the Ship Somerset,<sup>1</sup> is now finally determined, and the Interest of the Salvors therein ascertained: Therefore

*Resolved*, That all the Goods, Stores, &c., saved from the Ship Somerset (excepting the Cannon and the Goods reserved for public Use by the Board of War of this State at a former appraised Value) be sold by the Board of War, the Value of the Cannon to be determined by Persons mutually chosen by the said Board of War and the Salvors for that Purpose. And be it further

*Resolved*, That the Board of War be impowered and they are hereby accordingly impowered and directed to settle with the Salvors or their lawful Attornies, and make Payment to them of their Share of the neat Proceeds of said Interest, agreeable to the Judgment of Court in that Case; and the Honorable the Council are hereby requested to issue their Warrant upon the State Treasurer in favour of the Board of War, for such Sum or Sums of Money as they may have occasion for to satisfy the Salvors for their Part, of said Interest. [*Passed June 25.*]

Legislative  
Records of the  
Council,  
xxxix., 396.  
Mass.  
Archives,  
ccxiii., 334.  
Mass.  
Resolves,  
May Session,  
chap. 191.  
Mass.  
Archives,  
ccxiii., 335;  
ccxxxv., 35.  
Province  
Laws, xx., 619,  
chap. 531.

## CHAPTER 193.

RESOLVE LAYING AN EMBARGO FOR TWENTY DAYS ON ALL OUTWARD BOUND VESSELS EXCEPT FISHING BOATS.

*Resolved*, That their be an Embargo laid on all outward bound Vessels for the Term of twenty Days and the Naval Officers of the Ports in this State be and are hereby ordered and directed not to clear out any Vessel during said Term; and the Honorable Council are hereby requested immediately to issue their Order to the Commanding Officers of the several Forts in the Ports in this State that they permit no Vessels to depart the Harbours aforesaid, except the Fishing Boats that daily go out for the supplying the Inhabitants of said Towns with fresh Fish. [*Passed June 25.*]

Legislative  
Records of the  
Council,  
xxix., 397.  
Mass.  
Archives,  
ccxiii., 337.  
Mass.  
Resolves,  
May Session,  
chap. 192.

## CHAPTER 194.

RESOLVE GRANTING £20 ADDITIONAL PENSION TO DAVID THOMPSON, JUN., FOR THE YEAR PAST, ON ACCOUNT OF THE ADVANCED PRICE OF NECESSARIES.

ON THE PETITION of David Thompson, jun., a Pensioner, praying that His Pension may be increased on Account of the advanced Price of the Necessaries of Life:

*Resolved*, That the Prayer of said Petition be so far granted as that there be and hereby is granted to the said David Thompson, jun., the Sum of Twenty Pounds, in addition to said Pension, for the Year past. [*Passed June 25.*]

Legislative  
Records of the  
Council,  
xxix., 397.  
Mass.  
Archives,  
ccxiii., 351.  
Mass.  
Resolves,  
May Session,  
chap. 186.  
Mass.  
Archives,  
ccxiii., 352.  
Province  
Laws, xx., 293,  
chap. 780.

<sup>1</sup> H. M. S. Somerset was wrecked Nov. 2-3, 1778, at the back side of Provincetown on Peaked Hill Bars. — Swift's Cape Cod, pp. 193-194.



## CHAPTER 195.

## RESOLVE EMPOWERING THE COMMANDING OFFICER OF THE 4TH REGIMENT IN SUFFOLK COUNTY TO SUE FOR THE RECOVERY OF FINES AND FORFEITURES.

Legislative  
Records of the  
Council,  
xxxix., 398.  
Mass.  
Archives,  
ccxxiii., 338.  
Mass.  
Resolves,  
May Session,  
chap. 194.

Province  
Laws, xx., 639,  
chap. 579.

WHEREAS a Resolve passed this Court on the 1st of May last, upon the Report of Eleazer Brooks, Esq., and others, a Committee appointed by this Court on the 26th of February last, to repair to some Town within the Limits of the 4th Regiment in the County of Suffolk and hear the Parties respecting the Disputes subsisting in that Regiment about the Rank of the several Companies therein; and also to take into Consideration the Resignation of Col. [Benjamin]<sup>1</sup> Hawes, and report:

And whereas in said Resolve amongst other things, it is therein Resolved: That if any of the Companies in the Regiment aforesaid shall still continue to be destitute of proper Officers, according to the Mode pointed out in the Militia Law of this State, in such Case the Field Officers shall nominate to the Council suitable Persons to be commissioned as Captains and Subalterns of such Company; and in Case such Persons as shall be nominated by the Field Officers shall neglect or refuse to take the Command of such Company according to Law, in such Case the Commanding Officer of the Regiment shall be and hereby is authorized and empowered to give his Orders from Time to Time to any Person he shall judge suitably qualified to execute such Orders, and living within the Limits of such Company; and any Person to whom such Orders shall be [given] who shall neglect or refuse to obey and execute the same shall forfeit and pay to the Use of any Person who shall prosecute and sue for the same, the sum of Twenty Pounds, to be recovered as Fines and Forfeitures are recoverable by the Militia Laws of this State.

And whereas the Clerk of each Company by the aforesaid Militia Laws is the only Person who may sue and maintain an Action for the recovery of the several Fines and Forfeitures therein mentioned:

And whereas Doubts and Difficulties may arise whether any other person saving the Clerk may by said Laws bring forward and maintain such Action; to prevent which, it is

*Resolved*, That the Commanding Officer of said Regiment for the Time being shall and may bring forward, have and maintain such Action for the Recovery of the said Fines and Forfeitures, any thing in said Resolve or in the Militia Laws of this State to the contrary notwithstanding. [*Passed June 25.*]

## CHAPTER 196.

## RESOLVE GRANTING £151. 15s. TO DR. JOHN WARREN FOR ATTENDANCE AND MEDICINES ADMINISTERED TO ISAAC TAYLOR AND OTHERS.

Legislative  
Records of the  
Council,  
xxxix., 400.  
Mass.  
Resolves,  
May Session,  
chap. 189.

ON THE PETITION of Dr. John Warren, praying for Allowance for Attendance and Medicines administered to Isaac Taylor, and one other Marine Prisoner, and also to Mr. Bush, while sick with the Small-Pox on board of the Guard-Ship:

*Resolved*, That the Prayer of said Petition be granted, and that there be paid out of the public Treasury of this State to Dr. John Warren, the Sum of One Hundred and fifty-one Pounds fifteen Shillings, in full Discharge of his said Accounts. [*Passed June 25.*]

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vii., 549.



## CHAPTER 197.

VOTE PROROGUING THE GENERAL COURT, WHEN PROROGUED,  
UNTIL THE SECOND WEDNESDAY OF SEPTEMBER NEXT.

THE COMMITTEE of both Houses appointed to consider what Time and Place it will be expedient the General Court shall be adjourned to, have attended the Service, and after maturely considering the Matter, do report that it will be most expedient and most for the Interest of the State, that when the Court is adjourned or prorogued it should be adjourned or prorogued to the second Wednesday of September next, then to meet at the Court-House in the Town of Boston.

Mass.  
Archives,  
ccxxiii., 332.  
Mass.  
Resolves,  
May Session,  
chap. 187.

Which is humbly Submitted

THOMAS CUSHING per Order

In Council

Read and Accepted.

In the House of Representatives

Read and Concurred. [*Passed June 25.*]

## CHAPTER 198.

RESOLVE APPOINTING A COMMITTEE TO VIEW A BUILDING AT  
CASTLE ISLAND CLAIMED BY FRANCIS GRAY, SUTLER, AND TO  
REPORT AS TO ITS PURCHASE BY THE STATE.

THE COMMITTEE of both Houses to whom was committed the Petition of Francis Gray, [Sutler]<sup>1</sup> have attended the Service and find the said Gray purchased a small Building as set forth in his Petition; your Committee are informed by Col. [Paul]<sup>2</sup> Revere that the said Building as it now stands on Castle Island will be of Service to this State, and your Committee are of Opinion that it would be of advantage to Mr. Gray to receive the Value of said Building; therefore report that a Committee be appointed to repair to Castle Island and view the Building, and consult with Col. Revere and Mr. Gray, and value the said Building and examine if it will be for the benefit of this State to purchase it, and make report.

Legislative  
Records of the  
Council,  
xxxix., 400.  
Mass.  
Archives,  
ccxxiii., 349.  
Mass.  
Resolves,  
May Session,  
chap. 188.

Mass.  
Archives,  
ccxxiii., 341,  
342.

All which is Submitted

JOSEPH SIMPSON per Order

In Council

Read and accepted and thereupon

*Resolved*, That John Pitts, Esq., with such as the Honorable House shall join be a Committee to repair to Castle Island for the Purpose mentioned in the above Report.

In the House of Representatives

Read and Concurred and Capt. [Thomas]<sup>3</sup> Brooks and Mr. [Richard]<sup>4</sup> Cranch are joined. [*Passed June 26.*]<sup>5</sup>

<sup>1</sup> Massachusetts Archives, ccxxiii., 342-3.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xiii., 121.

<sup>3</sup> Medford.

<sup>4</sup> Braintree.

<sup>5</sup> This date is June 25 according to Legislative Records of the Council and Massachusetts Resolves.



## CHAPTER 199.

RESOLVES FOR RAISING 1,200 MEN IN CUMBERLAND AND LINCOLN COUNTIES FOR THE PENOBSCOT EXPEDITION, MAKING PROVISION FOR THE SAME, APPOINTING BRIG. GEN. SOLOMON LOVELL COMMANDER IN CHIEF, AND COL. PAUL REVERE TO COMMAND THE ORDNANCE UNDER HIM.

Legislative  
Records of the  
Council,  
xxxix., 401.  
Mass.  
Archives,  
ccxxiii., 344–  
347, 350.  
Mass.  
Resolves,  
May Session,  
chap. 205.

Mass.  
Archives,  
ccxxiii., 348.  
*Ante*, p. 93,  
chap. 179.

WHEREAS this Court, in order to dislodge the Enemy now landed on Penobscot, have by their Resolve of the 24th Instant directed the Board of War to equip a Fleet for that Purpose, and as it will be necessary to have a Land Force to co-operate therewith:

*Resolved*, That the Council of this State be and hereby are requested to issue Orders to the Brigadier of the County of Cumberland to detach from his Brigade Six Hundred Men immediately, to be formed into one Regiment with proper Officers, equipped according to the Militia Act, to march immediately to Penobscot, to be under the command of the Brigadier hereinafter appointed, to serve for two Months after they shall arrive at Penobscot, unless sooner discharged, and that the said Council be and hereby are requested to issue Orders to the Brigadier of the County of Lincoln to detach from his Brigade a like Number of Men, formed, equipped and marched as aforesaid, said Regiments to be upon such an Establishment as this Court shall hereafter make; and the Men heretofore ordered from the aforesaid Brigades to fill up the Continental Battallions shall be considered as Part of said Detachments, and be marched to Penobscot or such other Place as the Commanding Officer shall direct; and in case the Expedition is carried on the said Counties of Cumberland and Lincoln shall be excused from raising their Proportion of Men to fill up the Continental Army for Nine Months, and it is further

*Resolved*, That the Council be and hereby are requested to order the Board of War immediately to prepare and send on to Penobscot to such Place as the Council shall order for the Use of said Detachment, Nine Tons of Flour or Bread, Nine Tons of Rice, Eighteen Tons of Salt Beef, Six Hundred Gallons of Rum, Six Hundred Gallons Molasses, Five Hundred Stand of Fire-Arms, Fifty Thousand Small-Arm Cartridges, two Eighteen Pound Cannon, Two Hundred Rounds of Cartridges and Shot for ditto, three Cannon (Nine-Pounders) with Three Hundred Rounds of Cartridges for ditto, four Field Pieces, (Four-Pounders) and Four Hundred Rounds of Cartridges for ditto, one Howitzer, and Shot or Shells proper therefor, One Hundred Rounds, Six Barrels of Gun Powder, and such Number of Camp Kettles, Spades, Shovels, Pick-Axes and Chopping-Axes as the Commanding Officer herein after appointed may think proper for said Expedition. And it is further

*Resolved*, That the Council be and they are hereby requested to order Col. Revere with One Hundred of the Train under his Command, to Penobscot, on said Expedition; and the said Col. Revere is hereby appointed to command the Ordnance during said Expedition, under the Direction of the Commander in Chief there. And be it further

*Resolved*, That Solomon Lovell, Esq., Brigadier-General, be and he is hereby appointed to command the abovesaid Detachments destined to Penobscot aforesaid, and advise with the Commander of the Fleet destined there, to guide and direct the Land Movements in said Expedition, to the utter Expulsion of the Enemy



from this State, and the Council are requested to commission him accordingly. And it is hereby

*Resolved*, That the Council of this State shall from Time to Time give such Orders to said Commander, and further reinforce, and supply by Land or Sea as to them may appear reasonable to answer the Purpose designed. [*Passed June 26.*<sup>1</sup>

## CHAPTER 200.

RESOLVE EMPOWERING THE ADMINISTRATORS OF THE ESTATE OF JOSEPH MOTLEY, LATE OF CHELMSFORD, TO EXECUTE A DEED OF SALE, THE PROCEEDS TO BE APPLIED AS DIRECTED.

ON THE PETITION of Mehitabel Motley and Joseph Motley, of Chelmsford in the County of Middlesex, praying that they may have Power to sell and execute a good Deed or Deeds of the Estate whereof Joseph Motley, late of Chelmsford in the County of Middlesex, died seized and possessed of:

*Resolved*, That the Prayer be granted and that Mehitabel Motley and Joseph Motley, Administratrix and Administrator to the Estate of said Joseph Motley, late of Chelmsford deceased, in their Capacity, be and they are hereby impowered to make Sale of all the Real Estate mentioned in said Petition, for the most the same will fetch, and make and execute a good Deed or Deeds thereof to the Purchaser or Purchasers; they observing the Rules and Directions of the Law in the Sale of Real Estates by Executors and Administrators, and giving Caution to the Judges of Probates for the Counties of Middlesex and Essex, that the Proceeds of said Sale or Sales shall be applied in the following Manner, viz. one Third thereof be put to Interest for the Benefit of the Widow during Life, the Remainder, after the Payment of the Deceased's just Debts, to be divided between the Heirs in the same proportion as though the Estate had not been sold, and the Widow's Thirds at her Decease to be divided in like Manner amongst the Heirs. [*Passed June 26.*

Legislative  
Records of the  
Council,  
xxxix., 404.  
Mass.  
Archives,  
cexxiii., 357.  
Mass.  
Resolves,  
May Session,  
chap. 197.  
Mass.  
Archives,  
cexxiii., 358.  
Province  
Laws, ii., 151,  
chap. 10; xx.,  
433, chap. 46.

## CHAPTER 201.

RESOLVE GRANTING £250 TO WILLIAM BAKER, MESSENGER TO THE GENERAL COURT.

*Resolved*, That there be allowed and paid out of the public Treasury to William Baker the Sum of Two Hundred and fifty Pounds, in full for his Services as Messenger to the Great and General Court to the fourth Wednesday in August next. [*Passed June 26.*

Legislative  
Records of the  
Council,  
xxxix., 405.  
Mass.  
Archives,  
cexxiii., 370.  
Mass.  
Resolves,  
May Session,  
chap. 202.  
Mass.  
Archives,  
cexxiii., 368.

## CHAPTER 202.

RESOLVE DIRECTING THE TREASURER, BOARD OF WAR, AND COMMITTEE OF SEQUESTRATION TO PREPARE THEIR ACCOUNTS AND TO LAY THEM BEFORE THE COURT BY THE FIRST TUESDAY OF THE NEXT SITTING, WITHOUT FAIL.

*Resolved*, That the Treasurer of this State be and he hereby is ordered and directed to prepare his Accounts and without fail to lay the same before the General Court by the first Tuesday

Legislative  
Records of the  
Council,  
xxxix., 405.  
Mass.  
Archives,  
cexxiii., 363.

<sup>1</sup> This date is same in Massachusetts Resolves, but June 25 according to Legislative Records of the Council.



Mass.  
Resolves,  
May Session,  
chap. 198.

Mass.  
Archives,  
ccxxxv., 36.

of their next Sitting; and the Board of War of this State and the Committee of Sequestration are hereby ordered and directed to prepare their respective Accounts, and under no Pretence whatever to neglect laying the same before the General Court by the first Tuesday of their next Sitting. [*Passed June 26.*]

## CHAPTER 203.

RESOLVE ENLARGING THE GRANT TO THE COMMITTEE FOR SUPPLYING THE ARMY WITH SMALL STORES TO £40,000.

Legislative  
Records of the  
Council,  
xxxix., 405.  
Mass.  
Archives,  
ccxxiii., 364.  
Mass.  
Resolves,  
May Session,  
chap. 201.

*Ante*, p. 57,  
chap. 102.

WHEREAS the Sum of Twenty Thousand Pounds granted to the Committee for supplying that Part of the Continental Army raised in this State, with small Stores, will not be sufficient for that Purpose until the next Sitting of the General Court: Therefore

*Resolved*, That the Honorable Council be and they hereby are requested to grant Warrants on the Treasurer of this State in favour of said Committee for such a Sum as they judge necessary, not exceeding Forty Thousand Pounds, to enable said Committee to prosecute said Business, they to be accountable for the Sums they shall respectively receive. [*Passed June 26.*]

## CHAPTER 204.

RESOLVES EMPOWERING THE DELEGATES AT CONGRESS TO RECEIVE OF MICHAEL HILLEGAS, CONTINENTAL TREASURER, TREASURER'S NOTES AND BILLS OF EXCHANGE AMOUNTING TO £45,000 AND TRANSMIT THEM TO THE TREASURER OF THIS STATE, WHO WILL CREDIT THEM TO THE UNITED STATES AND CHARGE THEM TO THE BOARD OF WAR WHO ARE TO REPAY THEM OUT OF THE MONEY RECEIVED FROM THE SALE OF FLOUR PURCHASED WITH THEM.

Legislative  
Records of the  
Council,  
xxxix., 406.  
Mass.  
Archives,  
ccxxiii., 365.  
Mass.  
Resolves,  
May Session,  
chap. 199.

Mass.  
Archives,  
ccxxxv., 37.  
*Ante*, p. 69,  
chap. 134.

WHEREAS Michael Hillegas, Esq., Continental Treasurer, has informed this Court that by Direction of the Delegates of this State, he has paid Mr. Cumberland Dugan (a Gentleman employed by the Board of War to purchase Flour at the Southward) the Sum of Thirty Seven Thousand Pounds lawfull Money, in exchange for Notes Issued by the Treasurer of this State to that Amount; and also that he has paid him on the account of the Board of War, the further Sum of One Thousand six Hundred sixty-six Dollars and sixty ninetieths of a Dollar, equal to Five Hundred Pounds lawfull Money; and that he has also paid Mr. John Purviance two Bills of Exchange dated the 17th of April last, one for Four Thousand Pounds and the other for Three Thousand five Hundred Pounds lawfull Money, drawn by Messieurs Samuel and Robert Purviance in his favour on Samuel Phillips Savage, Esq., which Bills he paid on Account of the said Board of War for Flour purchased for them by said Purviance, all of which Sums amount to Forty-five Thousand Pounds lawfull Money, which he the said Hillegas paid out of the Warrant of Congress of the 5th of April last, drawn in favour of this State for the Sum of One Hundred and fifty Thousand Dollars: Therefore

*Resolved*, That the Delegates from this State at Congress be and hereby are empowered and directed to receive of Michael Hillegas, Esq., the Treasurer's Notes he has now in his Hand, amounting to Nineteen Thousand Pounds, (Mr. John Lowell having already received of said Michael Hillegas, Esq., Treasurer's Notes to the



amount of Eighteen Thousand Pounds, and delivered the same by Order of this Court to Henry Gardner, Esq.,) and also the two Bills of Exchange above referred to paid Mr. Purviance, and transmit the same to the Treasurer of this State by the first safe Conveyance. And be it further

*Resolved*, That the Treasurer of this State be and hereby is directed to carry to the Credit of the United States the Amount of the State Notes and Bills aforesaid; and he is further directed to charge the Sums beforementioned, viz. the One Thousand six Hundred sixty-six Dollars and sixty ninetieths of a Dollar, and the Twenty-five Thousand Dollars [i.e. £7500] to the Account of the Board of War, who are hereby directed and requested to repay the same, together with Thirty-seven Thousand Pounds Mr. Cumberland Dugan has received of the Continental Treasurer (in exchange for State Notes) on their Account into the Treasury, as soon as they can raise the Money out of the Flour they may import into this State. [*Passed June 26.*]

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## CHAPTER 205.

RESOLVE GRANTING £519. ADDITIONAL TO JOHN LOWELL FOR GOING EXPRESS TO PHILADELPHIA, RECEIVING AND PAYING OUT \$860,000.

THE COMMITTEE appointed to take under consideration what Sum shall be allowed Mr. John Lowell, for time, trouble and expence in going Express to Philadelphia, receiving, bringing, and paying out, the Sum of Eight Hundred and sixty Thousand Dollars, [report by way of Resolve]:

*Resolved*, That there be allowed and paid out of the public Treasury of this State, the Sum of Five Hundred and nineteen Pounds to Mr. John Lowell; in full for the abovesaid Service and Expence, over and above what he has already received from this State. [*Passed June 26.*]

Legislative  
Records of the  
Council,  
xxxix., 408.  
Mass.  
Resolves,  
May Session,  
chap. 200.

Province  
Laws, xx., 689,  
chap. 696.  
*Ante*, p. 69,  
chap. 134.

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## CHAPTER 206.

VOTE CHOOSING WILLIAM LYMAN STATE CLOTHIER IN ROOM OF ELISHA AVERY WHO DECLINES SERVING.

In the House of Representatives

The House, by Ballot, made Choice of Mr. William Lyman as a State Clothier, in the room of Mr. Elisha Avery, who declines serving.

In Council

Read and Concurred. [*Passed June 26.*]

Legislative  
Records of the  
Council,  
xxxix., 408.  
Mass.  
Archives,  
ccxxiii., 356.  
Mass.  
Resolves,  
May Session,  
chap. 203.

*Ante*, p. 86,  
chap. 164.

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## CHAPTER 207.

RESOLVE EMPOWERING THE PROPRIETORS OF MASHPEE TO GRANT LANDS AND MEADOWS TO REV. GIDEON HAWLEY, MISSIONARY TO THE INDIANS.

UPON THE PETITION of Gideon Hawley, a Missionary to the Indians of the District of Marshpey, in the County of Barnstable, and the Petition of Joseph Richards and other Proprietors of the

Legislative  
Records of the  
Council,  
xxxix., 408.  
Mass.



Archives,  
cexxiii., 359.  
Mass.  
Resolves,  
May Session,  
chap. 196.

Mass.  
Archives,  
cexxiii., 360-  
362.

said District of Marshpey, praying that they the said Proprietors of said District of Marshpey may be authorized to give the said Gideon Hawley a good Deed of certain Lands and Meadows in the said District, belonging to the said Proprietors, as mentioned and particularly described in a Report of a Committee of the Proprietors of the said District annexed to said Petition, which appears to have been accepted by the Proprietors of said District, at their Meeting on the 27th of April last, for the future Encouragement of the said Gideon Hawley to continue his Labours in the Ministry among them: It is

*Resolved*, That the said Joseph Richards, Timothy Wright, and John Pognit, being three of said Proprietors and Petitioners, together with the major Part of the Overseers of the said District be and they are hereby authorized and impowered to make and execute a good and lawfull Deed or Deeds of all the Lands and Meadows mentioned in the Report of the Committee of said Proprietors, upon the Conditions therein mentioned, to the said Gideon Hawley, his Heirs and Assigns, and the Premises being conveyed agreeable to this Resolve shall be considered as a good and lawfull Conveyance of the same. [*Passed June 26.*]

## CHAPTER 208.

RESOLVES LIFTING THE EMBARGO OF THE 25<sup>TH</sup> INSTANT AS FAR AS IT APPLIES TO WOOD AND OYSTER VESSELS, OR OTHER SMALL CRAFT, AND THOSE IN PUBLIC SERVICE.

Legislative  
Records of the  
Council,  
xxxix., 409.  
Mass.

Archives,  
cexxiii., 355.  
Mass.  
Resolves,  
May Session,  
chap. 195.

*Ante*, p. 100,  
chap. 193.

WHEREAS by a Resolve passed the 25th Instant, laying an Embargo on outward bound Vessels, unnecessary Embarrassments arise to small Vessels passing from one Harbour to another:

*Resolved*, That the said Resolve of the 25th Instant shall not be construed to extend to prevent any Wood or Oyster Vessels, or other small Craft, from passing from one Harbour to another within Cape-Ann and Cape-Cod. And it is further

*Resolved*, That the Honorable Council be and they are hereby impowered to grant Permits to such Vessels (employed in the public Service) to proceed on any Voyage as they judge proper; any thing in the said Resolve of [the] 25th Instant to the contrary notwithstanding. [*Passed June 26.*]

## CHAPTER 209.

Legislative  
Records of the  
Council,  
xxxix., 410.  
Mass.

Archives,  
cexxiii., 354.  
Mass.  
Resolves,  
May Session,  
chap. 204.

Mass.  
Archives,  
celxxv., 38.

RESOLVE FOR FURNISHING POWDER, BALL AND FLINTS TO THE TOWNS OF FALMOUTH AND SANDWICH IN FULL FOR THE SAME SUPPLIED ON THE LATE ALARMS AT FALMOUTH.

*Resolved*, That the Board of War be and they are hereby directed to deliver to Nathaniel Freeman, Seventy-one Pounds of Powder, Forty-eight Pounds and a Half of Leaden Ball, and Four Hundred and twenty Flints, for the Use of the Towns of Sandwich and Falmouth, in full for the same Quantities of each of said Articles supplied by the Selectmen of said Towns on the late Alarms at Falmouth. [*Passed June 26.*]



## CHAPTER 210.

RESOLVE DIRECTING THE BOARD OF WAR TO APPLY TO THE CONTINENTAL AGENTS FOR LOAN OF CLOTHING FOR COMPANIES UNDER LIEUT. COL. PAUL REVERE.

WHEREAS by a Resolve of this Court the Corps of Artillery under the Command of Lieut. Col. [Paul]<sup>1</sup> Revere are intitled to the same Cloathing and on the same Terms with the Soldiers in the Continental Battalions, and as the Board of War have not in their Possession any Cloathing suitable for the above Purpose: Therefore

*Resolved*, That the Board of War be directed and they are hereby accordingly directed to apply to Messieurs Otis and Henly, the Continental Agents in Boston, for the Loan of so much Cloathing as will be sufficient to cloath said Corps, to be accounted for in such Way and Manner as Congress may hereafter direct; and it is hereby recommended to said Messieurs [samuel Allyn]<sup>2</sup> [David]<sup>2</sup> Otis and Henley to supply the Board of War accordingly. [*Passed June 28.*]

Legislative  
Records of the  
Council,  
xxxix., 411.  
Mass.  
Archives,  
ccxxiii., 373.  
Mass.  
Resolves,  
May Session,  
chap. 207.  
Province  
Laws, xx., 412,  
chap. 1069.

## CHAPTER 211.

RESOLVE DESIRING THE COUNCIL TO SEND A CARTEL TO HALIFAX WITH PRISONERS FOR EXCHANGE.

To the Honourable the Council of the State of the Massachusetts-Bay.

Samuel White (in behalf of a number of the Inhabitants of the Town of Marblehead) respectfully sheweth:

That there are at this time One Hundred and fifty Americans belonging to said Town, Prisoners at Halifax, many of whom have been confined on board Prison-Ships in that Harbour more than three months, suffering all the complicated hardships which British Inhumanity hath devised, and British Barbarity can inflict: That there are now Two Hundred Prisoners in this Harbour who are adding to the scarcity which is already distressing to us; Your Memorialist therefore earnestly solicits your Honours to commiserate the anxious feelings of the Parents, Wives and other Relations of the unfortunate brave fellows who are perishing at Halifax, and to direct the Commissary of Prisoners to dispatch a Cartel to said Port, with such a number of Prisoners for Exchange as shall restore to our Country those seamen which are so much wanted here: "So shall ye cause the Prisoners heart to rejoyce and the distressed to rise up and call you blessed." And your Memorialist as in duty bound shall ever pray.

SAMUEL WHITE

ON THE PETITION of Samuel White, in behalf of a Number of the Inhabitants of Marblehead, praying that a Cartel may be sent as soon as may be to Halifax with Prisoners who are now on board the Prison-Ship in this Harbour, to be exchanged for a like Number of our Brethren who are Prisoners at that Place:

*Resolved*, That the Prayer of the Petition be granted, and the Honourable the Council be and they are hereby desired to send a Cartel as soon as they conveniently can for that purpose. [*Passed June 28.*]

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xiii., 121.

<sup>2</sup> Journals of the Continental Congress.

Legislative  
Records of the  
Council,  
xxxix., 412.  
Mass.  
Archives,  
ccxxiii., 371-  
372. Mass.  
Resolves,  
May Session,  
chap. 206.



## CHAPTER 212.

RESOLVE GRANTING £5,231. 11s. 11d. 1f. BALANCE, TO COL. ALLAN, CONTINENTAL AGENT FOR INDIAN EASTERN DEPARTMENT, TO BE CHARGED TO THE UNITED STATES.

Legislative  
Records of the  
Council,  
xxix., 399  
Mass.  
Archives,  
ccxxiii., 394.  
Mass.  
Resolves,  
May Session,  
chap. 210.

THE COMMITTEE of both Houses appointed to examine the Accounts of Col. John Allan against the United States, for the Expences in carrying on the Business of Agency with the Eastern Indians, presented by Lieut. James Avery, after having duely examined said Accounts, it appears to your Committee, by said Accounts exhibited that there is a Balance of £5,231. 11s. 11d. 1f. due to said Col. Allan on his Accounts to the 1st Day of June Instant. Therefore your Committee beg leave to report by way of Resolve

*Resolved*, That there be paid out of the public Treasury of this State to Col. John Allan, Continental Agent for Indian Eastern Department, the Sum of Five Thousand two Hundred and thirty-one Pounds, eleven Shillings, eleven Pence, and one Farthing, for the Balance due on his Accounts against the United States for the Expences in carrying on his Business of Agency with the Eastern Indians to the 1st Day of June Instant, which Sum is to be placed to the Account of this State against the United States.

In the House of Representatives

Read and passed

In Council

Read and Concurred. [*Passed June 29.*<sup>1</sup>]

## CHAPTER 213.

RESOLVE APPOINTING JOHN HANCOCK, LOAMMI BALDWIN, JACOB GERRISH, THOMAS CUSHING AND ABRAHAM FULLER, ESQUIRES, A COMMITTEE ON REPAIRING AND COMPLETING THE FORTRESSES IN AND ABOUT BOSTON HARBOR AND GRANTING £6,000 FOR THE SAME.

Legislative  
Records of the  
Council,  
xxix., 413.  
Mass.  
Archives,  
ccxxiii., 387.  
Mass.  
Resolves,  
May Session,  
chap. 223.

In the House of Representatives

*Resolved*, That John Hancock, Loammi Baldwin and Jacob Gerrish, Esquires, with such as the Honorable Board shall join, be and they are hereby appointed a Committee for the Purposes of repairing and compleating such of the Fortresses in and about the Harbour of Boston as to them shall appear most necessary for our immediate Defence; and the Honorable Council are hereby requested to grant Warrants on the Treasurer of this State from Time to Time in favour of said Committee for such Sums as they may Judge necessary for the Purposes aforesaid: Provided that the Amount of said Warrants shall not exceed the Sum of Six Thousand Pounds

In Council

Read and Concurred and Thomas Cushing and Abraham Fuller, Esquires, are joined. [*Passed June 29.*]

<sup>1</sup> This date is same in Massachusetts Resolves, but is June 25 according to Legislative Records of the Council.



## CHAPTER 214.

RESOLVE GRANTING £28 TO THE SELECTMEN OF SOUTHBOROUGH FOR BOUNTIES PAID TWO SOLDIERS IN RHODE ISLAND CAMPAIGN.

ON THE PETITION of the Selectmen of Southborough, setting forth that in Consequence of Orders from the General Assembly of this State, July [June]<sup>1</sup>, 1778, they detached two Soldiers from said Town to serve in the Campaign at Rhode-Island the last Year, and they advanced a Bounty of Fourteen Pounds to each Soldier before they marched, for which they have received no Consideration:

*Resolved*, That there be allowed and paid out of the public Treasury of this State to the Selectmen of the Town of Southborough the Sum of Twenty-eight Pounds, in full for the Bounties advanced to two Soldiers detached from said Town. [*Passed June 29.*]

Legislative  
Records of the  
Council,  
xxxix., 413.  
Mass.  
Resolves,  
May Session,  
chap. 208.

Province  
Laws, xx., 441,  
chap. 55.

## CHAPTER 215.

RESOLVE DIRECTING THE TREASURER TO ISSUE HIS EXECUTIONS AGAINST DEFICIENT CONSTABLES AND COLLECTORS FOR THE YEAR 1778, IMMEDIATELY AFTER THE 1ST OF AUGUST NEXT.

*Resolved*, That the Treasurer of this State be and he hereby is directed to issue his Executions, immediately after the 1st Day of August next, against all deficient Constables and Collectors for the Year 1778, who shall not before that Time make Payment into the public Treasury of the Sums due from them respectively. [*Passed June 29.*]

Legislative  
Records of the  
Council,  
xxxix., 414.  
Mass.  
Archives,  
ccxxiii., 388.  
Mass.  
Resolves,  
May Session,  
chap. 216.

## CHAPTER 216.

RESOLVE GRANTING £3 PER DAY, ADDITIONAL, TO MONSIEUR DE MARESQUELLES.

WHEREAS Monsieur [Lewis]<sup>2</sup> de Maresquelles has by his Petition represented to this Court the Insufficiency of his present Allowance for his decent and comfortable Support; and whereas the Representation appears to be well founded; Therefore

*Resolved*, That there be allowed and paid out of the public Treasury to said Monsieur de Maresquelles the Sum of Three Pounds per Day in addition to his former Allowance, the said additional Pay to take Place from the 1st of February last, and continue until the further Order of this Court, and the Honorable Council are requested to give Orders on the Treasurer in favour of Monsieur de Maresquelles accordingly. [*Passed June 29.*]

Legislative  
Records of the  
Council,  
xxxix., 414.  
Mass.  
Archives,  
ccxxiii., 400.  
Mass.  
Resolves,  
May Session,  
chap. 213.

Mass.  
Archives,  
ccxxiii., 401.  
Province  
Laws, xix., 774,  
chap. 786; xx.,  
599, chap. 486.

<sup>1</sup> June 12. — Province Laws, xx., 441, chap. 55.

<sup>2</sup> Massachusetts Archives, ccxxiii., 401.



## CHAPTER 217.

RESOLVES APPOINTING JOHN DEMING, PETER BOYER AND THOMAS WALLEY, ESQUIRES, A COMMITTEE FOR STATING PUBLIC ACCOUNTS, AND DIRECTING THEM TO PREPARE AN ACCOUNT OF ALL DISBURSEMENTS IN FAVOR OF THE UNITED STATES SINCE THE 1ST OF JANUARY, 1777, IN ORDER FOR A SETTLEMENT.

Legislative  
Records of the  
Council,  
xxxix., 414.  
Mass.  
Archives,  
ccxxiii., 403.  
Mass.  
Resolves,  
May Session,  
chap. 219.

WHEREAS the Commission of the Committee for stating and methodizing the public Accounts has expired:

*Resolved*, That John Deming, Peter Boyer and Thomas Walley, Esquires, be and they are hereby appointed a Committee whose Business it shall be to state Accounts, and make proper Charges of all Monies ordered to be paid out of the public Treasury, and of all Articles ordered to be delivered from the public Stores, or otherwise to such Person or Persons in whose favour said Orders were given, or who received the same, and to call upon all Committees and others who have received public Monies or Stores for which they were to be accountable, to adjust and settle their respective Accounts. And it is further

*Resolved*, That said Committee shall prepare a proper Account of all the Disbursements made by this State in favour of the United States since the 1st of January 1777, in order that the same may be laid before Congress for a settlement. [*Passed June 29.*]

## CHAPTER 218.

RESOLVES ORDERING ONE SERGEANT, ONE CORPORAL, AND SIXTEEN MEN FROM DORCHESTER HEIGHTS TO DO DUTY AS GUARDS ON THE GUARD SHIP IN BOSTON HARBOR, EXCUSING THE FIVE MEN LATELY DRAFTED FROM DORCHESTER AND MAKING FURTHER PROVISION FOR PRISONERS.

Legislative  
Records of the  
Council,  
xxxix., 415.  
Mass.  
Archives,  
ccxxiii., 398.  
Mass.  
Resolves,  
May Session,  
chap. 224.

ON THE MEMORIAL of Joseph Henderson representing that the Guards now on board the Guard-Ship will be taken off this Day, and that it will be impossible to keep the Prisoners unless he is immediately supplied with another Guard, and that the Guard-Ship is insufficient to receive the Prisoners now in Boston:

*Resolved*, That one Serjeant, one Corporal and sixteen Men be immediately ordered from the Men doing duty at Dorchester Heights on board the State Guard-Ship now in this Harbour, there to do Duty till relieved by Order of the Honorable Council, for which Service the Town of Dorchester shall be excused from sending the five Men ordered to be draughted from that Town by a late Resolve of the General Court to do duty in and about Boston. And it is further

*Resolved*, That the Honorable Council be and they hereby are empowered to make such further Provision as they shall think necessary for the Reception of the Prisoners that now are or may be sent into Boston. [*Passed June 29.*]

Mass.  
Archives,  
ccxxiii., 399.  
Province Laws,  
xx., 255,  
chap. 665.



## CHAPTER 219.

RESOLVES GRANTING £36 TO CAPT. WILLIAM TODD, LATE OF COL. CRAFTS'S REGIMENT, FOR MONEY ADVANCED TO HIS MEN, THE GREATER PART OF WHOM DESERTED, AND DIRECTING COL. REVERE TO STOP THE SAME FROM OTHERS UNDER HIS COMMAND.

ON THE PETITION of William Todd, a late Captain in Col. [Thomas]<sup>1</sup> Crafts's Regiment of Artillery, setting forth that he has advanced considerable Sums in favour of the Company then under his Command with a view of stopping the same out of their Wages, but the aforesaid Regiment being reduced, the Company which he Commanded (the greatest Part of them) deserted, and left about two Months pay due, which has put it out of his Power to obtain his Pay: Therefore

*Resolved*, That Capt. William Todd, late of Col. [Thomas] Crafts's Regiment, be allowed and paid out of the public Treasury of this State Thirty-six Pounds, in full, for the Money he advanced for Thomas Bartley, Peter Hailey, Jacob Johnston, Ebenezer Chamberlain, James Walker, William Lawson, Charles Rose, James Bell, and Ebenezer Brown, all of which Soldiers deserted at the late Reduction of said Regiment. And it is further

*Resolved*, That Col. [Paul]<sup>2</sup> Revere be directed to stop so much of the Wages of Thomas Acheson, James Cushing, Jacob Gardiner and Nathan Thomas, Soldiers now in his Regiment, as to discharge the several Sums advanced to them by Capt. William Todd, while said Men were under his Command. [*Passed June 29.*]

Legislative  
Records of the  
Council,  
xxxix., 417.  
Mass.  
Archives,  
ccxxiii., 395.  
Mass.  
Resolves,  
May Session,  
chap. 218.

Mass.  
Archives,  
ccxxiii., 396.

## CHAPTER 220.

RESOLVE ALLOWING THE ENTRANCE AT THE NAVAL OFFICE OF THE BRIGANTINE HANNAH, CAPT. TRISTRAM BARNARD FROM CORK WITH PROVISIONS, MANNED BY ESCAPED AMERICAN PRISONERS, AND DIRECTING THE BOARD OF WAR TO WITHDRAW THEIR LIBEL, AND RESTORE THE BRIGANTINE AND CARGO, EXCEPT SUCH AS IS IMPRESSED FOR PUBLIC SERVICE, AT APPRAISED VALUE.

ON THE PETITION of Capt. Tristram Barnard:

Whereas Capt. Tristram Barnard, together with Capt. John Chaddock, have lately arrived from Cork in the Brigantine Hannah, loaded with Provisions, being the Property of said Barnard and Chaddock, and navigated by American Prisoners, whom, together with a considerable Number of others, the said Barnard at great Expence assisted in making their Escape from England. And whereas it appears that they are Persons well affected to the United States, and the said Barnard has produced to this Court a Passport, Protection and safe Conduct from the Commissioners of these States at the Court of France, recommending him and his Company, with their Effects, to the Protection of all Commanders of armed Vessels under Commissions of the United States of North America, or either of them: Therefore

*Resolved*, That the said Captain Tristram Barnard be admitted to enter the Brigantine Hannah and Cargo at the Naval Office, and the Naval Officer for the Port of Boston is hereby directed

Legislative  
Records of the  
Council,  
xxxix., 418.  
Mass.  
Archives,  
clxxxv., 245,  
246. Mass.  
Resolves,  
May Session,  
chap. 226.

Mass.  
Archives,  
clxxxv., 243;  
clclxxxv., 39.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xv., 817.

<sup>2</sup> *Ibid.*, xiii., 121.



to admit said Vessel and Cargo to an Entry; and the Board of War, who have preferred a Libel against said Vessel and Cargo, before the Judge of the Maritime Court for the Middle District of this State, be and are hereby directed to restore the said Brigantine and Cargo to Capt. Tristram Barnard and Capt. Chaddock, excepting such Articles of said Cargo which they are impowered to impress for the public Service, paying therefor at the appraised Value, and that they surseal all further Proceedings against said Vessel and Cargo. [*Passed June 29.*]

## CHAPTER 221.

RESOLVES DETACHING 300 MEN FROM YORK COUNTY FOR PENOBSCOT EXPEDITION, DIRECTING THE BOARD OF WAR TO PROVISION PRIVATEERS AT NEWBURYPORT, SECURE OTHERS AT SALEM, COMPLETE THE CREWS OF THE CONTINENTAL NAVAL VESSELS IN BOSTON HARBOR, REQUESTING THE COUNCIL TO ASK FOR THE USE OF CONTINENTAL NAVAL VESSELS, AND EMPOWERING THEM TO SECURE PRIVATE VESSELS AND TO EXPEND £50,000.

Legislative  
Records of the  
Council,  
xxxix., 419.  
Mass.  
Archives,  
cexxiii., 385.  
Mass.  
Resolves,  
May Session,  
chap. 212.

Mass.  
Archives,  
clxxxv., 225,  
229; cclxxxv.,  
44. *Ante*, p.  
104, chap. 199.

*Resolved*, That the Council be requested to issue their Orders to the Brigadier or Commanding Officer of the County of York to detach from his Brigade Three Hundred Men, and form them into Companies with proper Officers, equipped according to the Militia Law of this State, and hold them in Readiness to march to Penobscot under the Command of Gen. [Solomon]<sup>1</sup> Lovell, to attack the Enemy there, to serve for the Term of two Months, unless sooner discharged.

*Resolved*, That the Board of War be directed immediately to send to Newbury-Port a Quantity of Provision to victual for a two Months Cruise, one Ship of Twenty-four Guns, one of Twenty, two of Sixteen Guns, which the Merchants there have agreed to man for the Penobscot Expedition: and that the said Board of War take Measures immediately to compleat the Crews of the Continental Vessels now in this Harbour, for the aforesaid Expedition to continue in that service only for the Term of two Months, unless sooner discharged, and that the said Board send to Salem and procure two Twenty Gun Ships or more for the said Expedition immediately.

*Resolved*, That the Council be and hereby are requested to write to the Continental Navy-Board, requesting them to aid the Penobscot Expedition with the Continental Vessels now in this Harbour, and fit them immediately therefor.

*Resolved*, That the Council be and hereby are impowered to hire or impress any Vessel or Vessels, other than the Continental or those belonging to this State, should the Exigencies of the State require it, and forward the Penobscot Expedition as soon as possible: Also

*Resolved*, That the Council be and hereby are impowered to take such further measures as they shall judge necessary to carry into Effect the Expedition aforesaid, and to draw on the Treasury for any Sum not exceeding Fifty Thousand Pounds for this Purpose. [*Passed June 29.*]

<sup>1</sup> *Ante*, p. 104, chap. 199.



## CHAPTER 222.

RESOLVE GRANTING BOUNTY OF 25 SHILLINGS PER MONTH TO EACH NON-COMMISSIONED OFFICER AND SOLDIER WHO CONTINUED IN THE SERVICE AT MACHIAS AFTER THE 1ST DAY OF DECEMBER LAST.

Legislative  
Records of the  
Council,  
xxxix., 421.  
Mass.  
Archives,  
ccxxiii., 383.  
Mass.  
Resolves,  
May Session,  
chap. 209.

ON THE PETITION of James Avery in behalf of Col. John Allan, Commanding Officer at Machias, praying for a Bounty of Twenty-five Shillings per Month for those Troops who continued in the Service at Machias, after the 1st Day of December last:

Mass.  
Archives,  
ccxxiii., 384.  
Province  
Laws, xx., 678,  
chap. 672.

*Resolved*, That the Prayer of the Petition be granted, and that there be allowed Twenty-five Shillings per Month, as a Bounty, to each Non-commissioned Officer and Soldier who continued in the Service at Machias after the 1st Day of December last, till they were discharged, and the Committee of Rolls are directed to pass said Rolls accordingly. [*Passed June 29.*]

## CHAPTER 223.

RESOLVE DISCHARGING JOHN GREENWOOD'S NEGRO MAN NEPTUNE FROM CONFINEMENT, BEING A PRIVATEERSMAN CAPTURED BY THE ENEMY AND RECAPTURED FROM THEM, WHO IF HE CHOOSES MAY RETURN TO THE SERVICE OF SAID GREENWOOD.

ON THE PETITION of John Greenwood, representing to this Court that about three Years ago his Negro-Man Neptune, aged about Twenty-two Years, entered on board a Privateer, whereof Joshua Stone was Commander, which Vessel soon after sailed on a Cruize and was taken by one of the British Ships of War, that about one Month since the Ship called the Blaze-Castle was taken and brought into this State, on board of which was the said Negro-Man Neptune, who is now in Charge of the Commissary of Prisoners of this State, and prays that the said Commissary may be ordered to deliver him said Negro:

Legislative  
Records of the  
Council,  
xxxix., 421.  
Mass.  
Archives,  
ccxxiii., 381.  
Mass.  
Resolves,  
May Session,  
chap. 211.

*Resolved*, That the Prayer of the Petition be so far granted that the said Commissary be and hereby is directed to discharge said Negro-Man Neptune from his Confinement, that if he chooses he may return to the Service of the said John Greenwood. [*Passed June 29.*]

Mass.  
Archives,  
ccxxiii., 382.

## CHAPTER 224.

RESOLVE ALLOWING TOWNS TO ENLIST MEN FOR THE CONTINENTAL ARMY OUT OF THOSE TOWNS WHO HAVE COMPLETED THEIR QUOTA.

WHEREAS Doubts have arisen whether the Inhabitants of any Town in this State who have Completed their Quota, have Liberty to enlist as the Quota of any other Town, to join the Continental Army for nine Months, agreeable to a Resolve of this Court passed the 9th of this Instant:

Legislative  
Records of the  
Council,  
xxxix., 422.  
Mass.  
Archives,  
ccxxiii., 379.  
Mass.  
Resolves,  
May Session,  
chap. 225.

*Resolved*, That when any Town has compleated the full Quota of the seventh Part, likewise their Quota required by the Resolve of the 9th of this Instant, and also their Proportion of Men required to serve at Rhode-Island, and the Selectmen certify the same, then the Inhabitants of such Town as have compleated

*Ante*, p. 38,  
chap. 75.



their Quota as aforesaid shall have Liberty to engage for any other Town who have not completed their Quota, and shall be held as such Town's Soldiers for the Term of nine Months, any Resolve of this Court to the contrary notwithstanding. [*Passed June 29.*]

## CHAPTER 225.

RESOLVE GRANTING £48. 9s. TO JAMES LOCKE FOR COST AND CHARGE OF HIS SON JOHN LOCKE WOUNDED AND SICK IN 1778.

Legislative  
Records of the  
Council,  
xxxix., 424.  
Mass.  
Resolves,  
May Session,  
chap. 215.

ON THE PETITION of James Locke, praying for Allowance and Payment for Cost and Charge he was at by Reason of his Son [John]<sup>1</sup> being wounded, who was a Soldier in Col. [Thomas]<sup>2</sup> Poor's Regiment in the Year 1778, and also for Cost and Charge he was at for fetching his said Son Home from West Point when sick, and other intervening charges:

*Resolved*, That the Prayer of the Petition be so far granted that there be allowed and paid out of the public Treasury of this State the Sum of Forty-eight Pounds, nine Shillings to James Locke, in full for said Cost and Charge. [*Passed June 29.*]

## CHAPTER 226.

RESOLVE MAKING THE SAME ESTABLISHMENT FOR THE GUARDS AT SPRINGFIELD AS FOR RUTLAND.

Legislative  
Records of the  
Council,  
xxxix., 424.  
Mass.  
Archives,  
ccxxiii., 380.  
Mass.  
Resolves,  
May Session,  
chap. 221.

WHEREAS the General Court, by the Resolve of the 18th of June current have made an addition to the Pay of the Guards doing Duty at Rutland, and as it is necessary that the Guards at Springfield detached by Order of the Council of the 5th of June Instant, to do duty there for three Months, unless sooner discharged, should have equal Pay with the aforesaid Guards: Therefore

*Resolved*, That the Company of Guards doing Duty at Springfield as aforesaid, shall receive for each Callendar Month, the same Sum, in addition to the Continental Pay, as is given to the Guards at Rutland by the said Resolve of the 18th of June current, and the Captain of said Company is hereby directed to make up his Roll accordingly. [*Passed June 29.*]

Mass.  
Archives,  
clxxv., 341.  
*Ante*, p. 26,  
chap. 50;  
p. 68, chap. 129.

## CHAPTER 227.

RESOLVE GRANTING £800 TO THE HON. GEORGE PARTRIDGE, ESQ., DELEGATE TO THE CONTINENTAL CONGRESS AS PART OF A REWARD FOR HIS SERVICES.

Legislative  
Records of the  
Council,  
xxxix., 425.  
Mass.  
Archives,  
ccxxiii., 378.  
Mass.  
Resolves,  
May Session,  
chap. 214.

*Resolved*, That there be advanced and paid out of the public Treasury of this State to the Hon. George Partridge, Esq., appointed one of the Delegates to represent this State in Congress, the sum of Eight Hundred Pounds, he to be accountable for said Sum as part of a Reward for his Services as a Delegate of this State. [*Passed June 29.*]

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, ix., 907.

<sup>2</sup> *Ibid.*, xii., 562.



## CHAPTER 228.

RESOLVE REQUESTING THE HON. FRANCIS DANA, ESQ., DELEGATE, TO PROCEED TO CONGRESS AS SOON AS MAY BE ON ACCOUNT OF THE ILLNESS OF THE HON. JOHN HANCOCK, ESQ.

WHEREAS it is of great Importance that this State should be fully represented in Congress at this critical Juncture, and whereas on Account of the ill state of Health of the Hon. John Hancock, Esq., it is not probable that he will be able to proceed there soon: Therefore

*Resolved*, That the Hon. Francis Dana,<sup>1</sup> Esq., one of the Delegates of this State, be requested to proceed to Congress as soon as may be. [*Passed June 29.*]

Legislative  
Records of the  
Council,  
xxxix., 425.  
Mass.  
Archives,  
ccxxiii., 377.  
Mass.  
Resolves,  
May Session,  
chap. 220.

## CHAPTER 229.

RESOLVE APPOINTING COL. DAWES, MR. WALLEY, AND MR. AUSTIN A COMMITTEE TO REMOVE THE GUARD HOUSE FROM NEAR THE POWDER MAGAZINE IN BOSTON AND TO REPAIR BOTH.

*Resolved*, That Col. [Thomas] Dawes, Mr. [Thomas] Walley, and Mr. [Samuel]<sup>2</sup> Austin be a Committee to cause to be removed at a proper Distance from the Powder Magazine in the Town of Boston the Guard-House which is near the same, and also to make such Repairs in the Magazine and Guard-House as they judge necessary, and to procure some Plank for the Use of said Magazine, if the Safety thereof requires it. [*Passed June 29.*]

Legislative  
Records of the  
Council,  
xxxix., 426.  
Mass.  
Archives,  
ccxxiii., 376.  
Mass.  
Resolves,  
May Session,  
chap. 222.

## CHAPTER 230.

RESOLVE EMPOWERING SELECTMEN AND COMMITTEES OF CORRESPONDENCE IN EVERY TOWN, WHOSE CENTER IS MORE THAN 10 MILES FROM BOSTON, TO APPOINT RECEIVERS OF LOANS, AND APPOINTING RICHARD CRANCH, THOMAS DAWES AND CALEB DAVIS, ESQUIRES, A COMMITTEE TO PRINT AND DISTRIBUTE COPIES OF THIS RESOLVE AND BLANKS FOR RECEIPTS.

WHEREAS it is of great Importance to remove every Obstacle to the good People of this State lending their Money for the public Service:

*Resolved*, That in every Town in this State, whose Center is more than ten Miles distant from the Town of Boston, and to whom this Resolve shall be sent by the Committee hereafter appointed for that Purpose, there be appointed by the Selectmen and Committee of Correspondence a Receiver of Loans, whose Business it shall be to receive such Monies as shall be brought to him to be put into the public Treasury of this State, or the Continental Loan-Office, by any Inhabitant of the same Town and no other. He shall keep each Man's Parcel of Money by itself, with a fair List of the same, and a Minute thereon of the Lender's Name, and the Day when received. The said Receiver may take for the Treasury of this State any Sum not less than Fifteen Pounds, and for the Continental Loan-Office any Sum not less than Sixty Pounds. He shall give his Receipt for every Sum which he shall receive for the abovementioned Purpose, and shall cause

Legislative  
Records of the  
Council,  
xxxix., 416.  
Mass.  
Archives,  
ccxxiii., 415.  
Mass.  
Resolves,  
May Session,  
chap. 217.

<sup>1</sup> Council, note.

<sup>2</sup> Suffolk.



the Money so received to be conveyed to the Treasury of this State, and the Continental Loan-Office, according to the Choice of the Lenders respectively, and shall from the said Treasury or Loan-Office receive a Note or Certificate for each Sum to the Lender thereof, which he shall deliver to the said Lenders respectively upon their Application therefore, and shall thereupon take up the Receipts which he gave for such Monies. And no Person may be appointed a Receiver of Loans, except of approved Integrity, and firmly attached to the Rights of America, as well as of good Property; and that Richard Cranch, Thomas Dawes, and Caleb Davis, Esquires, are appointed a Committee who are required to procure to be printed Copies of this Resolve and proper Blanks for the Receipts abovementioned, and conveyed to the Selectmen of such Towns in this State as they shall think proper, for the Use of said Receivers. [*Passed June 30.*<sup>1</sup>]

## CHAPTER 231.

RESOLVE CONTINUING THE EMBARGO OF THE 25<sup>TH</sup> INSTANT ON OUTWARD BOUND VESSELS FOR 40 DAYS LONGER, ALLOWING THE PROVISIONS OF THE 26<sup>TH</sup>.

Legislative  
Records of the  
Council,  
xxxix., 427.  
Mass.  
Archives,  
ccxxiii., 411.  
Mass.  
Resolves,  
May Session,  
chap. 229.

*Ante*, p. 101,  
chap. 193.

WHEREAS a Resolve passed the 24[25]<sup>2</sup>th Instant, laying an Embargo on all outward bound Vessels for the Term of Twenty Days, and as the Exigency of the Times makes it necessary that said Embargo be continued for a longer Term than Twenty Days:

*Resolved*, That the Embargo aforesaid be continued for the Term of Forty Days from the Date hereof, agreeable to the aforesaid Resolve of the 24[25]th Instant, allowing the same Provision, as was made by the Resolve of the 26th Instant. [*Passed June 30.*]

## CHAPTER 232.

RESOLVE DIRECTING CAPT. JONATHAN RICE TO RETURN TO THE STATE TREASURER £19 BOUNTY, WHICH HE REPORTED, BEING MADE UP ON CAPT. JOSEPH FULLER'S PAY ROLL IN 1777.

Legislative  
Records of the  
Council,  
xxxix., 427.  
Mass.  
Archives,  
ccxxiii., 410.  
Mass.  
Resolves,  
May Session,  
chap. 227.

Province  
Laws, xx., 88,  
chap. 222.

ON A REPRESENTATION made by Capt. Jonathan Rice to this Court, setting forth that he the said Rice has in Trust the Sum of Nineteen Pounds belonging to this State: Therefore

*Resolved*, That the said Jonathan Rice pay to Henry Gardner, Esq., Treasurer for this State, the Sum of Nineteen Pounds, said Sum being in full for this State's Bounty for two Men belonging to said Jonathan Rice's Company, who marched agreeable to a Resolve of the General Court of this State of August 9th, 1777, to reinforce the Northern Army commanded by General [Horatio]<sup>3</sup> Gates, said two Men, viz. Joshua Eaton and Edward French, having been made up on Capt. Joseph Fuller's Pay Roll for their State's Bounty, and that the said Jonathan Rice take duplicate Receipts for the same, one of which he is to lodge in the Secretary's Office. [*Passed June 30.*]

<sup>1</sup> This date is June 29 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>2</sup> Passed the 25th though Massachusetts Archives, ccxxiii., 411, reads 24th.

<sup>3</sup> Heitman's Historical Register of the Officers of the Continental Army, p. 244.



## CHAPTER 233.

RESOLVE APPOINTING COMMITTEES IN BOSTON, SALEM AND MARBLEHEAD FOR MANNING THE SHIPS AND ARMED VESSELS FOR THE EASTERN EXPEDITION, AND GRANTING THEM £20,000.

*Resolved*, That the Hon. Walter Spooner, Esq., Caleb Davis, Esq., Mr. Thomas Walley, Capt. Job Prince, Maj. Samuel White and Capt. Daniel Martin be a Committee, who are impowered and directed to take immediate and effectual Steps for the manning of the Ships and armed Vessels in the Harbour of Boston, now fitting for the Expedition to the Eastward.

That Capt. George Williams and Capt. Jonathan Peal be a Committee for the same Purpose, with respect to the Ships and armed Vessels in the Harbour of Salem, destined on said Expedition.

That Col. [Azor]<sup>1</sup> Orne and Col. [William R.]<sup>2</sup> Lee be a Committee to perform the same Service with respect to the Ships and armed Vessels in the Harbour of Marblehead, destined on said Expedition.

And the Council are hereby requested to grant their Warrants upon the Treasurer in favour of the said Committees, for a sum not exceeding Twenty Thousand Pounds, to enable said Committees to carry the above Resolve into execution: The said Committee to be accountable for the Expenditure of the Sums they shall receive. [*Passed June 30.*]

Legislative  
Records of the  
Council,  
xxxix., 428.  
Mass.  
Archives,  
ccxxiii., 418.  
Mass.  
Resolves,  
May Session,  
chap. 232.

*Ante*, p. 114,  
chap. 221.

## CHAPTER 234.

RESOLVE DIRECTING THE TREASURER TO RETAIN IN HIS OFFICE \$300,000 FOR PAYMENT OF PUBLIC DEBTS, BEING PART OF THE MONEY LATELY RECEIVED FROM CONGRESS.

WHEREAS by a Resolve of the 23d Instant the Treasurer of this State was directed to pay into the Continental Loan-Office the Sum of Five Hundred Thousand Dollars, Part of the Eight Hundred Thousand Dollars lately received from Congress; and whereas the Exigencies of Government require that Part of said Five Hundred Thousand Dollars should be retained in the Treasury of this State: Therefore

*Resolved*, That the Treasurer aforesaid be and he hereby is directed to retain in his Office the Sum of Three Hundred Thousand Dollars for the payment of such Warrants as may be drawn on said Treasurer to discharge the public Debts. [*Passed June 30.*]

Legislative  
Records of the  
Council,  
xxxix., 429.  
Mass.  
Archives,  
ccxxiii., 409.  
Mass.  
Resolves,  
May Session,  
chap. 228.

*Ante*, p. 69,  
chap. 134; p. 83,  
chap. 156.

## CHAPTER 235.

RESOLVE GRANTING £15,000 TO CAPT. JONATHAN PARSONS FOR THE USE OF THE OWNERS OF ARMED SHIPS FITTING OUT AT NEWBURYPORT FOR THE PENOBSCOT EXPEDITION.

*Resolved*, That there be paid out of the public Treasury the Sum of Fifteen Thousand Pounds to Capt Jonathan Parsons, for the Use of the Owners of the armed Ships fitting out at Newbury-Port for the Expedition to Penobscot, they to be accountable for the same; said Parsons to give his Receipt to the Treasurer for the same Sum on their Account. [*Passed June 30.*]

Legislative  
Records of the  
Council,  
xxxix., 429.  
Mass.  
Archives,  
ccxxiii., 408.  
Mass.  
Resolves,  
May Session,  
chap. 231.

<sup>1</sup> Council.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, ix., 644.



## CHAPTER 236.

RESOLVES DIRECTING THE SELECTMEN OF THOMASTON TO DELIVER SHIRTS, SHOES AND STOCKINGS TO DUMMER SEWALL, AGENT FOR THE COUNTY OF LINCOLN, TO BE SENT TO THE BOARD OF WAR, AND TO LODGE THE RECEIPT IN THE SECRETARY'S OFFICE ON OR BEFORE OCTOBER 1<sup>ST</sup>.

Legislative  
Records of the  
Council,  
xxxix., 431.  
Mass.  
Archives,  
ccxxiii., 412,  
413. Mass.  
Resolves,  
May Session,  
chap. 234.

ON THE PETITION of the Selectmen of the Town of Thomaston, in the County of Lincoln, setting forth therein that they had procured a Number of Shirts, Shoes and Stockings, agreeable to a Resolve of the General Court of the 13th day of April, [March]<sup>1</sup> 1778, but have not been delivered to the Agent for the County of Lincoln, for the Reasons set forth in the Petition:

Mass.  
Archives,  
ccxxiii., 414.  
Province  
Laws, xx., 338,  
chap. 897.

*Resolved*, That the Selectmen of the Town of Thomaston be and they are hereby directed to deliver the aforesaid Shirts, Shoes, and Stockings to Dummer Sewall, Esq., Agent for the County of Lincoln, who was appointed to receive the Donation-Cloathing in that County for the Soldiers, who is directed to give said Selectmen a Receipt for the same, which Cloathing is by the said Agent to be sent to the Board of War immediately upon his Receipt thereof, and take duplicate Receipts therefore, one of which to be lodged in the Secretary's Office. And it is further

*Resolved*, That if the Selectmen of Thomaston aforesaid, shall on or before the 1st Day of October next, lodge in the Secretary's Office a Receipt from the said Agent, for a Number of Shirts, Pairs of Shoes and Stockings, equal to one seventh Part of their Male Inhabitants, agreeable to the aforesaid Resolve, that then and in that Case the said Town shall not incur any Forfeiture or Penalty for not delivering them sooner; Any Clause in the aforesaid Resolve, or in any other, to the contrary notwithstanding. [*Passed June 30.*]

## CHAPTER 237.

RESOLVE ALLOWING COLLECTORS OF TAXES AN ADDITIONAL  $\frac{1}{2}$  PER CENT. ON ALL MONEYS THEY SHALL BRING INTO THE STATE TREASURY UPON THE TAX ISSUED IN THE PRESENT SITTING BEFORE SEPTEMBER 10, PROVIDED THEY SHALL HAVE COMPLETED ALL OTHER STATE TAXES.

Legislative  
Records of the  
Council,  
xxxix., 432.  
Mass.  
Archives,  
ccxxiii., 407.  
Mass.  
Resolves,  
May Session,  
chap. 233.

WHEREAS the Honorable the Congress of the United States, in their late most seasonable and important Address, have recommended in the strongest Manner, the paying as much as can be collected (of the Tax of Forty-five Millions of Dollars) as soon as possible into the Continental Treasury, and from the good Disposition that has taken Place, high Expectations are entertained of the Exertions that will be made to comply with this Recommendation:

Legislative  
Records of the  
Council,  
xxxix., 318.  
*Ante*, p. 53,  
chap. 99.

*Resolved*, That for the encouragement of Collectors to spare no Pains on their part, there shall be allowed to each Collector, in addition to any Recompence he shall receive from the Town to which he belongs, one Half per Cent. on all Money he shall bring into the Treasury of this State, upon the Tax issued in the present Sitting of the General Assembly, before the 10th day of September next, provided such Collector shall have first completed the Payment of all other State Taxes committed to him to collect.

<sup>1</sup> Massachusetts Archives, ccxxiii., 413, reads "April" though Resolve was passed in March and petition so states.



And those who bring the largest Proportion of the said Tax soonest, will be considered as meriting most of their Country.  
[*Passed June 30.*]

## CHAPTER 238.

RESOLVE REQUESTING THE PRESIDENT OF THE COUNCIL TO INFORM JAMES MCCOBB, ESQ., CHAIRMAN OF THE CONVENTION AT WISCASSET, AS TO THE PENOBSCOT EXPEDITION.

Mass.  
Archives,  
exlv., 2;  
clxxxv., 233.

In the House of Representatives

*Resolved*, That the President of the Honorable Council be and he hereby is Requested to write to James McCobb, Esq., and inform him of the measures this Court have taken to dislodge the enemy from Penobscot.

In Council

Read and Concurred. [*Passed June 30.*]

Mass.  
Archives,  
clxxxv., 231-233.  
*Ante*, p. 90,  
chap. 175; p. 93,  
chap. 179;  
p. 104, chap.  
199.

SIR

Previous to the Receipt of your letter of the 24th Instant as Chairman of the Convention, the General Court had issued orders for detaching Fifteen Hundred men from the Militia of this State and One Hundred men from the Train of Artillery and also directed such a number of Vessels of force to be sent to Penobscot for the purpose of dislodging the Enemy there as is hoped will be sufficient to effect that same. Orders are also given for forwarding provisions, ammunition and Five Hundred fire-arms for the use of such men as shall be employed in said Expedition.

We have also requested the aid of the State of New-Hampshire to co-operate with us in the Enterprise aforesaid

In the name and behalf of the General Court

I am your Humble Servant

JAMES MCCOBB, Esq.

## CHAPTER 239.

RESOLVE REQUESTING THE PRESIDENT OF THE COUNCIL TO INFORM THE REV. JOHN MURRAY OF GEORGETOWN AS TO THE PENOBSCOT EXPEDITION.

In the House of Representatives

*Resolved*, That the President of the Honorable Council be and he hereby is requested to write to the Rev. Mr. Murray and inform him<sup>1</sup> of the measures this Court have taken to dislodge the enemy from Penobscot.

In Council

Read and Concurred. [*Passed June 30.*]

Mass.  
Archives,  
clxxxv., 235a.

<sup>1</sup> The letter is not in Massachusetts Archives.



## CHAPTER 240.

## ORDER LIBERATING STEPHEN THAYER FROM CONCORD GAOL UPON SUFFICIENT BONDS AND NOTICE TO THE ADVERSE PARTY.

Mass.  
Resolves,  
May Session,  
chap. 230.

*Ordered*, That Stephen Thayer be and he hereby is directed to serve the adverse Party with an attested Copy of said Petition,<sup>1</sup> and this Order thereon, to shew Cause (if any they have) on the 2nd Wednesday of the next Sitting of the General Court why the Prayer of said Petition should not be granted; and the Sheriff of the County of Middlesex is hereby ordered to liberate the said Thayer [from Concord Gaol]<sup>2</sup> taking sufficient Bonds that he appear on the 2nd Wednesday of the next Sitting of the General Court, and abide their further Order. [*Passed June 30.*]

## CHAPTER 241.

## RESOLVES VESTING THE COUNCIL WITH CERTAIN POWERS DURING THE RECESS.

Legislative  
Records of the  
Council,  
xxxix., 433.  
Mass.  
Archives,  
ccxxiii., 404.  
Mass.  
Resolves,  
May Session,  
chap. 235.

*Ante*, p. 101,  
chap. 193;  
p. 118, chap.  
231.

WHEREAS it may be of great public Utility that until the Sitting<sup>3</sup> of the next General Court, certain Powers should be lodged in Council other than those they are usually vested with:

*Resolved*, That the Honorable Council, until the next Sitting of the General Court, be and they are hereby fully authorized and empowered to nominate and appoint, as occasion may require, such Commission Officers in any of the Land Forces, armed Vessels or Vessels of War in the Service and Pay of this State, and also in the Militia, whose Places by Death or otherwise, are or may in the Recess of the Court become vacant, as to them shall appear fit and necessary, and put them under the Command of such Officer or Officers as they shall judge proper.

*Resolved*, That the Council be and they are hereby also authorized and empowered to treat and conclude Treaties of Amity and Friendship with any Indians that may arrive in this State, and make such Provision for them as they may judge proper.

*Resolved*, That the major Part of the Council shall have full Power and Authority to examine, allow and pass upon the Pay-Rolls of the Sea-Coast Men, and their Commissaries Accounts, and also the Pay-Rolls of the Militia who may have been in the Service, any Act or Resolve to the contrary notwithstanding. And it is further

*Resolved*, That the Honorable Council be and they are hereby authorized and empowered to detach from the Militia of this State, under the proper Officers of the said Militia, in such Manner as they may think best, any Number, not exceeding Two Thousand, to do Duty out of this State, but upon this Continent, in such Places as the Commander in Chief of the American Army shall direct, if the said Commander shall request the same, to continue in Service for the Term of four Months, unless sooner dismissed by the Commander in Chief of the Department where the said Militia may be doing Duty, or may be recalled by Order of the Council or General Court of said State.

*Resolved*, That the Honorable Council be and they are hereby empowered to convene the Great and General Court or Assembly

<sup>1</sup> The petition is not in Massachusetts Archives.

<sup>2</sup> Massachusetts Resolves, May Session, chap. 230.

<sup>3</sup> Prorogued to Sept. 8, *ante*, 103, chap. 197.



at an earlier Day than that to which it shall next be adjourned or prorogued, if they shall judge the public Service to require it.

*Resolved*, That the Honorable Council be and they are hereby impowered to take off the Embargo laid on the Shipping of this State at an earlier Time than that limited agreeable to a Resolve of the 24 [25]<sup>1</sup>th Instant, and the additional Resolve of the 30th Instant, if the public Good should require it. And it is further

*Resolved*, That in Case the Vessels designed for the Expedition to Penobscot cannot be seasonably manned in the usual way, the Honorable Council be and they are hereby impowered to issue Press Warrants to such Officers as they shall judge proper for the purpose of procuring Men for said Vessels, for a Term of Time not exceeding three Months: And the Council are also further impowered to discharge any or all the Vessels intended for said Expedition, in case it should appear from any Circumstances which we are not at present informed of, that it would be unfit or unnecessary that they should proceed. And it is further

*Resolved*, That the Honorable Council be and they are hereby impowered and requested, during the next Recess of the General Court to afford all the Assistance to Monsieur [Joseph De]<sup>2</sup> Valnais, Consul of France, now residing in this State, in apprehending and securing French Seamen or Soldiers, Subjects of his Most Christian Majesty, as can be done consistent with the Constitution and Safety of this State. [*Passed June 30.*]

<sup>1</sup> Resolve was passed the 25th though Massachusetts Archives, ccxxiii., 404, reads "24th."

<sup>2</sup> Province Laws, v., 1482.



## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE EIGHTH DAY OF SEPTEMBER, A.D. 1779.

## CHAPTER 242.

RESOLVE GRANTING £20,000 TO THE COMMITTEE ON PASSING  
ACCOUNTS.

Legislative  
Records of the  
Council,  
xxxix., 446.  
Mass.  
Archives,  
ccxxiii., 427.  
Mass.  
Resolves,  
Sept. Session,  
chap. 1.

*Ante*, p. 9,  
chap. 6.

WHEREAS it has been represented to this Court that the Money appropriated at the last Session of the General Court to pay such Accounts as might be allowed by the Committee on Accounts is expended; and as it is necessary that a further Sum be appropriated for that Purpose: Therefore

*Resolved*, That the Honorable Council be and they hereby are authorized to issue their Warrants from Time to Time on the Treasurer of this State, in favour of the Committee appointed by Council to concur in passing Accounts, for such Sums as they (the Council) shall judge necessary for the Payment of such Accounts, provided the Amount of such Warrants shall not exceed the Sum of Twenty Thousand Pounds. Said Committee to be accountable for the Expenditure of the Money that they shall receive. [*Passed September 8.*]

## CHAPTER 243.

RESOLVE DIRECTING THE COMMITTEE OF FORTIFICATIONS TO VIEW THE BUILDING ON CASTLE ISLAND BELONGING TO FRANCIS GRAY, SUTLER, AND REPORT UPON THE NECESSITY OF ITS PURCHASE BY THE STATE, THE RESOLVE OF JUNE 25<sup>TH</sup> NOTWITHSTANDING.

Legislative  
Records of the  
Council,  
xxxix., 449.  
Mass.  
Archives,  
ccxxiii., 437.  
Mass.  
Resolves,  
Sept. Session,  
chap. 2.

*Ante*, p. 103,  
chap. 198.

WHEREAS by a Resolve of the 25th of June last, a Committee of both Houses was appointed to repair to Castle-Island, to view a Building belonging to Francis Gray, [Sutler,]<sup>1</sup> and consult with Col. [Paul]<sup>2</sup> Revere and Mr. Gray, and value said Building, and examine if it will be for the Benefit of this State to purchase it, which Business may be more conveniently executed by the Committee of Fortification: Therefore

*Resolved*, That they be and hereby are directed to view the aforesaid Building, and report to this Court whether it will be for the Benefit of this State to purchase it, the Resolve of the 25th of June last notwithstanding. [*Passed September 9.*]

<sup>1</sup> Massachusetts Archives, ccxxiii., 342, 343.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xiii., 121.



## CHAPTER 244.

## RESOLVE APPOINTING A COMMITTEE TO INVESTIGATE THE CAUSES OF THE FAILURE OF THE PENOBSCOT EXPEDITION.

WHEREAS the Failure of the Expedition to Penobscot hath occasioned great and universal Uneasiness, and it is become necessary that Enquiry should be made immediately into the Causes thereof:

*Resolved*, That Brig. Gen. Jonathan Titcomb, the Hon. James Prescott, Esq., the Hon. Maj. Gen. Michael Farley, Col. Moses Little and Maj. Samuel Osgood, with such as shall be joined by the Honorable Board, be a Committee to investigate the Causes of the said Miscarriage, and particularly to examine into the Conduct of the Commanders by Land and Sea employed in said Expedition, as well as of the other Officers and Persons immediately concerned therein; and also into the Conduct of Officers directed to furnish Men from the Militia, or Supplies for said Expedition; and William Sever, Artemas Ward, Francis Dana and Timothy Danielson, Esquires, are joined on the Part of the Board for the Purpose abovementioned. And that said Committee be and hereby are authorized to send for and examine any Persons or Papers which they may think necessary for the Purposes aforesaid. [*Passed September 9.*]

Legislative  
Records of the  
Council,  
xxxix., 449.  
Mass.  
Archives,  
ccxxiii., 435.  
Mass.  
Resolves,  
Sept. Session,  
chap. 4.  
Mass.  
Archives,  
cxlv., 167.  
*Ante*, p. 93,  
chap. 179,  
p. 114, chap.  
221.

## CHAPTER 245.

## RESOLVES FOR ADJOURNING THE SESSIONS OF THE SUPERIOR COURT TO BE HELD IN THE SEVERAL COUNTIES SO THAT THE JUDGES MAY SERVE ON A RECESS COMMITTEE OF THE CONSTITUTIONAL CONVENTION.

WHEREAS the Justices of the Superior Court of Judicature, Court of Assize, and General Gaol Delivery, and others concerned in the Business of the same Court, are Members of the Convention called for the very important Purpose of framing a Constitution or Form of Government for this State, and some of them were elected and appointed by said Convention at their late Session upon the Committee for preparing such Form of Government; which Committee is enjoined to sit upon that Business on Monday next, and to compleat their Work during the Recess of the said Convention, which stands adjourned to the Twenty-eighth Day of October next; and as the Sitting of said Court at the Times by Law established will prevent the said Justices and others giving their Attendance to the more important Business of said Committee and Convention: Be it therefore

*Resolved*, That the Superior Court of Judicature, &c. by Law to be held at Worcester, in and for the County of Worcester, on the 3rd Tuesday of September Instant, be and hereby is adjourned to the 1st Tuesday of October next, then to be holden at Worcester aforesaid in and for the said County of Worcester: And that the said Superior Court of Judicature, &c. by Law to be held at Springfield, in and for the County of Hampshire, on the 4th Tuesday of September Instant, be and hereby is adjourned to the last Tuesday of April next, then to be holden at Northampton, in and for said County of Hampshire: And that the said Superior Court of Judicature, &c. by Law to be held at Cambridge, in and for the County of Middlesex, on the last Tuesday of October next, be and hereby is adjourned to the 4th Tuesday of November next, then to be holden at Cambridge aforesaid, in and for said

Legislative  
Records of the  
Council,  
xxxix., 450.  
Mass.  
Archives,  
ccxxiii., 432.  
Mass.  
Resolves,  
Sept. Session,  
chap. 3.



County of Middlesex: And that the said Superior Court of Judicature, &c. by Law to be held at Salem, in and for the County of Essex, on the 1st Tuesday of November next, be and hereby is adjourned to the 3rd Tuesday of the same Month, then to be held at said Salem, in and for the said County of Essex. And be it further

*Resolved*, That all Writs, Processes and Recognizances, returnable to, and all Appeals made, or which shall be made to the said Superior Court of Judicature, &c. by Law already appointed to be held at the several Times and Places aforementioned, and all Matters, Causes and Things that have Day, or that might have been had, moved, or done at, in or by the said Superior Court of Judicature, &c. at the several Times and Places already by Law appointed for holding the same, shall be returnable into, and have Day, be had, moved, done, acted upon and adjudged, in like Manner as if the said Superior Court of Judicature, &c. by Law already appointed to be held at the several Times and Places aforementioned had not been adjourned. And be it further

*Resolved*, That the said Superior Court of Judicature, &c. now sitting in Boston, in and for the County of Suffolk, shall be adjourned this Week by the Justices thereof, to some distant Day, subsequent to the Day hereby appointed for holding the said Court at Cambridge, in and for the County of Middlesex.

And as certain Maritime Causes are pending in the same Court, which may not be determined before the Adjournment thereof by the said Justices as aforesaid: It is further

*Resolved*, That the said Justices may continue and appoint such Maritime Causes to be heard and tried at the Superior Court of Judicature, &c. which shall next be held within the Middle District of this State, in virtue of the foregoing Resolutions, the Adjournment of the said Court now fitting in Boston aforesaid notwithstanding. And all Jurors, and others concerned, are to take notice hereof and govern themselves accordingly. [*Passed September 9.*]

## CHAPTER 246.

### RESOLVE EMPOWERING THE SALE OF LAND OF JOHN MURRAY, ABSENTEE, IN WORCESTER COUNTY, TO ISAAC STONE.

ON THE PETITION of Isaac Stone, praying that some Person may be appointed and impowered to give and execute a good and lawful Deed or Deeds of so much of the unimproved Lands of John Murray, Esq., late of Rutland, in the County of Worcester, an Absentee, that lies within the Counties of Worcester, Hampshire or Berkshire, as was worth Sixty Pounds three Shillings and nine Pence ready Money on the 29th Day of August, 1765, for Reasons set forth in said Petition:

*Resolved*, That Col. Daniel Clap be and hereby is appointed and impowered to give and execute a good and lawful Deed or Deeds of so much of the unimproved Land of the said John Murray, that lies within the County of Worcester, as was worth Sixty Pounds three Shillings and nine Pence ready Money on the said 29th Day of August, 1765, and that Peter Davis of Rutland and Amos Haywood of Holden be and hereby are appointed and impowered to appraise and set off the same, in full discharge of the said Murray's Obligation to said Stone, bearing Date August 29th, 1765, as aforesaid. [*Passed September 9.*]

Legislative  
Records of the  
Council,  
xxix., 453.  
Mass.  
Archives,  
ccxxiii., 428.  
Mass.  
Resolves,  
Sept. Session,  
chap. 5.  
Mass.  
Archives,  
ccxxiii., 430, 431.



## CHAPTER 247.

## ORDER APPOINTING A COMMITTEE TO ASCERTAIN THE ABILITY OF THE TOWN OF PLYMOUTH TO PAY THE LAST TAX ASSESSED.

In the House of Representatives

On the Petition of James Warren, Agent for the Town of Plymouth, setting forth that the Inhabitants of said Town by their Losses and Otherways, are rendered unable to pay the Tax as assessed on them by the last Valuation, and praying that a Committee may be appointed to repair to Plymouth and ascertain the true State of the same. Read and thereupon

*Ordered*, That Col. [Israel]<sup>1</sup> Hutchinson and Mr. [Richard]<sup>2</sup> Cranch with such as the Honorable Board shall join be a Committee to repair to Plymouth for the purpose mentioned in said Petition

In Council

Read and Concurred and Aaron Wood, Esq., is joyned to the Committee of the Honorable House. [*Passed September 10.*]

Legislative  
Records of the  
Council,  
xxxix., 455.  
Mass.  
Archives,  
cexxiii., 442.  
Mass.  
Archives,  
cxxxv., 276,  
277; cexxiii.,  
441, 443.

## CHAPTER 248.

## RESOLVE GRANTING £10,000 TO THE BOARD OF WAR TO PROCURE CLOTHING FOR THE 12TH MASSACHUSETTS REGIMENT AND LINEN FOR THREE OTHER REGIMENTS.

ON THE PETITION of John Wingate, Surgeon to the 12th Massachusetts Regiment, praying that the Board of War should be directed to furnish him with the Cloathing promised said Regiment by a Resolve of the General Assembly passed June 17, 1778:

*Resolved*, That there be paid out of the public Treasury of this State to the Board of War the Sum of Ten Thousand Pounds, to enable them to procure said Cloathing; and also to procure Linen for three other Regiments that have not received them. [*Passed September 10.*]

Legislative  
Records of the  
Council,  
xxix., 456.  
Mass.  
Archives,  
cexxiii., 439.  
Mass.  
Resolves,  
Sept. Session,  
chap. 9.  
Mass.  
Archives,  
cexxiii., 440.  
Province  
Laws, xx., 451,  
chap. 75.

## CHAPTER 249.

## RESOLVE INSTRUCTING THE COMMITTEE FOR PREVENTING THE EXPORTATION OF SALT AND WEST INDIA PRODUCE TO CONSIDER THE RESOLVES OF THE CONCORD CONVENTION FOR APPRECIATING CURRENCY AND LOWERING PRICES.

*Resolved*, That the Committee who were appointed by the two Houses to devise Ways and Means for preventing the Exportation of Salt and West-India Produce [Rum, Molasses, etc.] from this State to the other United States, be instructed to consider what Measures are necessary to be taken to carry the Resolves of the Convention held at Concord on the 14th Day of July last, for the Purpose of appreciating the Currency of the United States and lowering the Prices of the Articles of Consumption, into full Execution within this State. [*Passed September 10.*]

Legislative  
Records of the  
Council,  
xxix., 456.  
Mass.  
Archives,  
cexxiii., 444.  
Mass.  
Resolves,  
Sept. Session,  
chap. 10.

<sup>1</sup> Of Danvers.

<sup>2</sup> Of Braintree.



## CHAPTER 250.

RESOLVE DIRECTING THE COMMITTEE OF FORTIFICATIONS TO CONSIDER THE NECESSITY OF RAISING A FURTHER NUMBER OF MEN TO GARRISON THE FORTRESSES IN AND ABOUT BOSTON HARBOR.

Legislative  
Records of the  
Council,  
xxxix., 468.  
Mass.  
Archives,  
ccxxiii., 438.

*Resolved*, That the Committee of Fortifications be and hereby are directed to consider and report whether it will be necessary to raise any further number of Men to Garrison the Fortresses in and about the Harbour of Boston. [*Passed September 10.*<sup>1</sup>

## CHAPTER 251.

RESOLVE FOR COMPLETING THE DETACHMENTS ORDERED TO RHODE ISLAND AND CALLING FOR A RETURN OF THE NAMES AND RANK OF THE OFFICERS NOT COMMISSIONED.

Legislative  
Records of the  
Council,  
xxxix., 457.  
Mass.  
Archives,  
ccxxiii., 445.  
Mass.  
Resolves,  
Sept. Session,  
chap. 7.

*Ante*, p. 33,  
chap. 66.

WHEREAS it appears by a Return, dated the 4th current, made by Nathan Tyler, Esq., Colonel of the Regiment of Militia of this State ordered by a Resolve of this Court of the 8th of June last to serve in the State of Rhode Island, that the Detachments ordered in the aforesaid Resolve are generally deficient, and in some Instances very far from being compleated: Therefore

*Resolved*, That the Honorable Council be and they hereby are desired to order the Brigadiers or Commanding-Officers of the several Brigades from which said Detachments were directed to be made, that they cause them to be immediately compleated, and that each of the aforesaid Brigadiers or Commanding-Officers forthwith render to the Honorable Council the Reasons wherefore the Detachment from his Brigade and a Return thereof within or at the Time required by said Resolve were not made. That said Brigadiers or Commanding-Officers immediately make a Return of the Names and Rank of such Officers detached as above as may not have received their Commissions. [*Passed September 11.*<sup>2</sup>

## CHAPTER 252.

Legislative  
Records of the  
Council,  
xxxix., 458.  
Mass.  
Archives,  
ccxxiii., 454.  
Mass.  
Resolves,  
Sept. Session,  
chap. 8.

RESOLVE REQUESTING THE COUNCIL TO ORDER GEN. HANCOCK TO MAKE A RETURN OF THE OFFICES IN THE MILITIA THAT ARE VACANT.

*Resolved*, That the major Part of the Honorable Council be and they hereby are requested to give immediate Orders to Maj. Gen. [John]<sup>3</sup> Hancock to make a Return, as soon as possible, of all Offices in the Militia of this State that are vacant. [*Passed September 11.*<sup>4</sup>

<sup>1</sup> This date is September 14 according to the Legislative Records of the Council. Massachusetts Archives, ccxxiii., 438, is signed by six of Council only. Legislative Records of the Council, xxxix., 468, reads "Consented to by Fifteen of the Council." Not found in Massachusetts Resolves.

<sup>2</sup> This date is September 11 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>3</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vii., 205.

<sup>4</sup> This date is September 10 according to Legislative Records of the Council and Massachusetts Resolves.



## CHAPTER 253.

RESOLVE PERMITTING GILES MUSSON TO RETURN WITH SIX BERMUDIANS TO BERMUDA ON HIS PAROLE THAT HE WILL RETURN AN EQUAL NUMBER OF AMERICANS OF EQUAL RANK, PRISONERS OF WAR IN SAID ISLAND.

THE COMMITTEE of both Houses on the Petition of Giles Musson ask leave to Report the following Resolve

JOSIAH STONE per Order

*Resolved*, That Giles Musson<sup>1</sup> be and he hereby is permitted to return to the Island of Bermuda with six Men, Bermudians, on condition that he the said Giles engage on his Parole to return an equal Number of Americans of equal Rank, Prisoners of War in said Island, and that he carry no other Person with him, nor any more Provisions than what is necessary for their Support on said Voyage; and all armed Vessels and Privateers belonging to this State are required, and 'tis likewise recommended to all other armed Vessels belonging to the United States, or either of them, not to hinder or molest the said Giles, or any of the Men with him, on their Voyage to said Island.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed September 11.*]<sup>2</sup>

Legislative  
Records of the  
Council,  
xxxix., 458.  
Mass.  
Archives,  
ccxiii., 455.  
Mass.  
Resolves,  
Sept. Session,  
chap. 6.

Mass.  
Archives,  
ccxiii., 456.

## CHAPTER 254.

VOTE ACCEPTING THE PROGRESSIVE REPORT OF THE COMMITTEE TO INVESTIGATE THE MISCARRIAGE OF THE PENOBSCOT EXPEDITION AND SETTING A HEARING ON THE 22<sup>D</sup> OF SEPTEMBER, CURRENT.

THE COMMITTEE appointed by a Resolve of the General Assembly of the 9th of September, current, to investigate the Causes of the Miscarriage of the Expedition to Penobscot, and enquire into the Conduct of the Commanders, &c. employed in said Expedition, ask Leave to represent to the Honorable Council and House of Representatives the Expediency (in their Opinion) of an Application to the Navy-Board to postpone the Trial of Capt. [Dudley]<sup>3</sup> Saltonstall, late Commander of the Ship Warren, to a Day so distant as may give sufficient Time for the Commander in Chief of the Land Forces and other Officers in said Expedition to attend the said Trial. Your Committee are also of Opinion that it will be necessary to enable them to execute the Commission with which they have been honoured, that Brig. Gen. [Solomon]<sup>4</sup> Lovell, Brig. Gen. [Peleg]<sup>5</sup> Wadsworth, Adj. Gen. [Jeremiah]<sup>6</sup> Hill, [jun.], Col. [Jonathan]<sup>7</sup> Mitchell, Col. [Samuel]<sup>8</sup> McCobb, Brigade Maj.

Legislative  
Records of the  
Council,  
xxxix., 460.  
Mass.  
Archives,  
ccxiii., 450.  
Mass.  
Resolves,  
Sept. Session,  
chap. 11.

Mass.  
Archives,  
ccxiii., 449, 453.  
*Ante*, p. 125,  
chap. 244.

<sup>1</sup> Given as Musson in Legislative Records of the Council, xxxix., 458, Massachusetts Archives, ccxiii., 455, 456, and Massachusetts Resolves, September session, chapter 6. It is also given as Husson in Massachusetts Archives, ccxiii., 455, and the signature in same, 456, may be Giles I Husson.

<sup>2</sup> This date is September 10 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>3</sup> Massachusetts Archives, cxlv., 169-170a; *post*, p. 132, chap. 261.

<sup>4</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, ix., 1010.

<sup>5</sup> *Ibid.*, xvi., 381.

<sup>6</sup> *Ibid.*, vii., 880.

<sup>7</sup> *Ibid.*, x., 850.

<sup>8</sup> *Ibid.*, 441.



[Gawen]<sup>1</sup> Brown, Brigade Maj. [William]<sup>2</sup> Todd, Maj. [William]<sup>3</sup> Lithgow, [jun.], Col. [Paul]<sup>4</sup> Revere and Col. [John Steel]<sup>5</sup> Tyler, and all the Commanders of armed Vessels employed in the late Expedition attend the said Committee. That your Committee, considering how distant some of the Gentlemen before named are from hence, are of Opinion that Tuesday the 22nd Day of September current, is as early a Day as your Committee can think proper to appoint for the said Enquiry.

which is Submitted

WILLIAM SEVER per Order.

In Council

Read and accepted

In the House of Representatives

Read and Concurred. [*Passed September 11.*]

## CHAPTER 255.

Legislative  
Records of the  
Council,  
xxxix., 461.  
Mass.  
Archives,  
ccxxiii., 457.  
Mass.  
Resolves,  
Sept. Session,  
chap. 13.

RESOLVE GRANTING £70 BOUNTY TO THE TOWN OF FITCHBURG AGREEABLE TO A RESOLVE OF JUNE 10, 1778.

ON THE PETITION of the Selectmen of the Town of Fitchburgh, setting forth that said Town has not been allowed the Bounty for five Men marched to the State of Rhode-Island, agreeable to a Resolve of the General Court of June 10, 1778:

*Resolved*, That the Town of Fitchburgh be allowed Seventy Pounds for the Bounty for said five Men, to be deducted out of their next State-Tax, they first lodging a Certificate in the Secretary's Office agreeable to said Resolve. [*Passed September 11.*]

## CHAPTER 256.

RESOLVE EMPOWERING LEMUEL WILLIAMS, COMMISSARY AT DARTMOUTH, TO SUPPLY THE MILITIA WITH PROVISIONS WHEN ON ACTUAL SERVICE IN SAID TOWN.

Legislative  
Records of the  
Council,  
xxxix., 461.  
Mass.  
Archives,  
ccxxiii., 459.  
Mass.  
Resolves,  
Sept. Session,  
chap. 15.

ON THE REQUEST of Maj. [Manasseh]<sup>6</sup> Kempton and the Selectmen of the Town of Dartmouth, that some Person be appointed to supply the Militia on Alarms:

*Resolved*, That Mr. Lemuel Williams, who is now a Commissary for supplying the Troops stationed at the Fort in said Town, be and he hereby is empowered to supply the Militia with Provisions when on actual Service in said Town of Dartmouth. [*Passed September 11.*]

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, ii., 623.

<sup>2</sup> *Ibid.*, xv., 818.

<sup>3</sup> *Ibid.*, ix., 865.

<sup>4</sup> *Ibid.*, xiii., 121.

<sup>5</sup> *Ibid.*, xvi., 235.

<sup>6</sup> *Ibid.*, ix., 91.



## CHAPTER 257.

RESOLVE REQUESTING THE COUNCIL TO PERMIT A FLAG OF TRUCE TO PROCEED TO PENOBSCOT FOR THE FAMILIES OF JOSEPH PERKINS AND OTHERS OF PENOBSCOT AND MAJORBAGADUCE.

Legislative  
Records of the  
Council,  
xxxix., 463.  
Mass.  
Archives,  
clxxxv., 289.  
Mass.  
Resolves,  
Sept. Session,  
chap. 12.

*Resolved*, That the Honorable Council be requested to permit a Flag of Truce to proceed to Penobscot, to transport from thence to some Part of this State the Families of Joseph Perkins, Sparks Perkins, Charles Hutchins, Thomas Nutton, Elijah Winslow, Stover Perkins, Samuel Avery and Daniel Perkins, and others the Inhabitants of Penobscot and Majorbagaduce, in similar distressed Circumstances, who may be desirous of being removed.  
[*Passed September 11.*]

Mass.  
Archives,  
clxxxv., 288.

## CHAPTER 258.

VOTE CHOOSING SAMUEL RUGGLES STATE CLOTHIER IN THE ROOM OF WILLIAM LYMAN.

In the House of Representatives  
Whereas Mr. William Lyman, who was appointed a State Clothier, has resigned, and his Resignation is accepted:

The House proceeded to choose by Ballot a State Clothier, in the Room of Mr. Lyman: And Mr. Samuel Ruggles was chosen a State Clothier in his Room.

In Council

Read and Concurred. [*Passed September 11.*]

Legislative  
Records of the  
Council,  
xxxix., 464.  
Mass.  
Archives,  
ccxxiii., 461.  
Mass.  
Resolves,  
Sept. Session,  
chap. 16.

## CHAPTER 259.

ORDER CHOOSING EDWARD CUTTS, ESQ., ON THE COMMITTEE TO REPAIR TO SANFORD AND COX HALL IN THE ROOM OF CHARLES CHAUNCEY, ESQ., RESIGNED.

In Council

*Ordered*, That Edward Cutts, Esq., be of the Committee for the Purpose mentioned in this Resolve in the Room of Charles Chauncey, Esq., resigned

In the House of Representatives

Read and Concurred. [*Passed September 11.*]

Mass.  
Archives,  
ccxxiii., 490.  
Mass.  
*Ante*, p. 25,  
chap. 46.

## CHAPTER 260.

RESOLVE EMPOWERING THE COMMITTEE ON ACCOUNTS TO PAY FOR SUPPLIES FOR THE INHABITANTS OF PENOBSCOT, TRANSPORTATION OF SAME AND OF COMMISSARY'S STORES, AND THE CHARGES OF THOSE MEN THAT CAME BY LAND FROM PENOBSCOT.

THE COMMITTEE appointed to determine in what Way the Supplies and Transportation of Provision for the Inhabitants of Penobscot, and for Transportation of Commissary's Stores, and for defraying the Charges of those Men that came by Land from Penobscot, as Victualling, Ferriages, &c. beg Leave to report by way of Resolve:

*Resolved*, That the Committee on Accounts be and they are

Legislative  
Records of the  
Council,  
xxxix., 466.  
Mass.  
Archives,  
ccxxiii., 463, 464.  
Mass.  
Resolves,  
Sept. Session,  
chap. 14.



hereby impowered and directed to receive and examine all Accounts of Supplies and Transportation of Provision for the Inhabitants of Penobscot, as also for the Transportation of Commissary's Stores and for defraying the Charges of those Men that came by Land from Penobscot, more particularly the charge of Victualling and the cost of Ferriage, and such Accounts as they judge reasonable they are further impowered to allow payment of the same and the Committee are hereby directed to keep all such Accounts on a File or Files by themselves and state an Account particularly for all Charges that may arise relative to this Matter

In the House of Representatives

Read and Accepted

In Council

Read and Concurred. [*Passed September 13.*<sup>1</sup>]

Legislative  
Records of the  
Council,  
xxxix., 465.  
Mass.  
Archives,  
ccxxiii., 465.  
Mass.  
Resolves,  
Sept. Session,  
chap. 18.

Mass.  
Archives,  
cxlv., 169–170a.  
Ante, p. 129,  
chap. 254.

## CHAPTER 261.

### RESOLVE REQUESTING THE NAVY BOARD TO POSTPONE THE COURT MARTIAL OF CAPT. SALTONSTALL.

*Resolved*, That the Navy-Board be requested to postpone the Court-Martial to be holden on Tuesday next, for the Trial of Capt. [Dudley]<sup>2</sup> Saltonstall, late Commander of the Continental Frigate Warren, until the 28th Day of September Current.  
[*Passed September 13.*]

## CHAPTER 262.

Legislative  
Records of the  
Council,  
xxxix., 465.  
Mass.  
Archives,  
ccxxiii., 467.  
Mass.  
Resolves,  
Sept. Session,  
chap. 20.

Mass.  
Archives,  
ccxxiii., 468.  
Province  
Laws, v., 770,  
chap. 18.

### RESOLVE PERMITTING JOHN HAMMOND AND JOHN C. GORDON, SUBJECTS OF THE PRINCE OF BRUNSWICK, TO RESIDE IN THIS STATE, THEY TAKING THE OATHS REQUIRED BY LAW.

ON THE PETITION of John Hammond and John C. Gordon, late Subjects of the Prince of Brunswick, now residing in this State, requesting to become Subjects thereof:

*Resolved*, That the Prayer of the said Petition be granted, and that the said John Hammond and John C. Gordon be permitted to reside in this State, they taking the Oath of Allegiance to the States required by an Act for prescribing and establishing an Oath of Fidelity and Allegiance; and any Justice of the Peace for the County of Middlesex (wherein the Petitioners now reside) is impowered to administer the same. [*Passed September 13.*]

## CHAPTER 263.

Legislative  
Records of the  
Council,  
xxxix., 466.  
Mass.  
Archives,  
ccxxiii., 466.  
Mass.  
Resolves,  
Sept. Session,  
chap. 19.

### VOTE CHOOSING ABEL MOULTON SECOND MAJOR OF THE 1ST REGIMENT IN YORK COUNTY.

In the House of Representatives.

The House, by Ballot, made Choice of Abel Moulton, as Second Major of the first Regiment of Militia in the County of York.

In Council

Read and Concurred. [*Passed September 13.*]

<sup>1</sup> This date is September 11 according to Massachusetts Resolves.

<sup>2</sup> Massachusetts Archives, cxlv., 169–170a.



## CHAPTER 264.

RESOLVE SETTING A HEARING AT THE NEXT SESSION ON THE INCORPORATION OF THE NORTHERLY PART OF CHESTERFIELD AND CHESTERFIELD GORE INTO A TOWN.

ON THE PETITIONS of the Inhabitants of a Place called the Gore, in the County of Hampshire, and the Northerly Part of the Town of Chesterfield, in said County that they may be Incorporated into a Town:

*Resolved*, That the Petitioners be directed to notify the Inhabitants of the said Town of Chesterfield to shew Cause, if any they have, on the 2nd Wednesday of the next Sitting of the General Court, why the Prayer thereof should not be granted, by leaving attested Copies of the said Petitions and this Resolve with the Town-Clerk of Chesterfield, at least fifteen Days before the next Sitting of the said Court. [*Passed September 13.*]

Mass.  
Resolves,  
Sept. Session,  
chap. 17.

Mass.  
Archives,  
ccxxx., 430, 433.

## CHAPTER 265.

RESOLVE REQUIRING SELECTMEN AND COMMITTEES OF CORRESPONDENCE TO COLLECT BLANKETS FROM THE INHABITANTS FOR THE USE OF ARMY BY NOVEMBER 1<sup>st</sup>, PAYMENT TO BE MADE FOR SAME.

WHEREAS it is indispensably necessary that a Supply of Blankets should be immediately procured for the Service of the Army:

*Resolved*, That the Selectmen of each Town and the Committee of Correspondence, &c. of each Plantation in this State be and they hereby are required to collect from the Inhabitants of the Town or Plantation to which they respectively belong, or otherwise procure a Number of Blankets equal to one Half the Number of Shirts, which by a Resolve of this Court of the 21st of June last they were directed to procure, and to cause the same, upon or before the 1st Day of November next, to be transported to such Place as the Agent appointed for the same County by the above-mentioned Resolve shall direct. And the said Agents are hereby directed to proceed in every Respect concerning the said Blankets in the same Manner as they were directed by the aforesaid Resolve of the 21st of June, concerning the Articles therein enumerated; and Payment shall be made for the Blankets and also for the Services and Expences of the Agents and Selectmen in the same Manner as was prescribed for other Articles in the last mentioned Resolve. And the Selectmen and Committees aforesaid, as well as the good People of this State, are requested to realize the Sufferings of the Soldier that must be consequent on a Failure of this Article; which it is hoped will stimulate them more effectually to a punctual Compliance, and to furnish those that are thick and substantial, than the annexing of any Fines or Penalties whatever. And if any should be so regardless of their Obligations to the Army as to neglect this Duty, the Agents are required to return to the Secretary's Office, as soon as may be after the said 1st Day of November, the Names of any Town or Plantation and of the Selectmen or Committee thereof, who are so delinquent. [*Passed September 14.*]<sup>1</sup>

Legislative  
Records of the  
Council,  
xxxix., 462.  
Mass.  
Archives,  
ccxxiii., 471.  
Mass.  
Resolves,  
Sept. Session,  
chap. 22.

*Ante*, p. 72,  
chap. 138.

<sup>1</sup> This date is same in Massachusetts Resolves, but September 11 according to Legislative Records of the Council.



## CHAPTER 266.

RESOLVE ALLOWING JAMES WARREN AND OTHERS, PROPRIETORS OF SYLVESTER CANADA, A FURTHER TERM OF THREE YEARS TO FULFILL CONDITIONS OF RESOLVE OF JUNE 18, 1768.

Legislative  
Records of the  
Council,  
xxxix., 467.  
Mass.  
Archives,  
clxxxv., 275.  
Mass.  
Resolves,  
Sept. Session,  
chap. 27.

Mass.  
Archives,  
clxxxv., 274.  
Province  
Laws, xii., 145,  
chap. 45; xviii.,  
356, chap. 50.

ON THE PETITION of James Warren, Agent for the Proprietors of a Township of Land on Androscoggin River, called Sylvester Canada, confirmed to himself and others by the General Court of this State, on the 18th of June 1768, upon certain Conditions, as may appear by the Resolve of that Date:

*Resolved*, That for the Reasons in said Petition assigned the further Term of three Years be allowed said Proprietors for fulfilling the Conditions required by the aforesaid Resolve of the 18th of June 1768, within which Term the Fulfilment of said Conditions by said Proprietors shall operate, and be to all Intents and Purposes as satisfactory as if performed within the Term prescribed by the aforesaid Resolve of June 18, 1768, said Resolve to the contrary notwithstanding. [*Passed September 14.*]

## CHAPTER 267.

RESOLVE ALLOWING THE ACCOUNTS OF THE TREASURER OF PLYMOUTH COUNTY.

Legislative  
Records of the  
Council,  
xxxix., 469.  
Mass.  
Archives,  
ccxiii., 483.  
Mass.  
Resolves,  
Sept. Session,  
chap. 25.

WHEREAS upon Examination of the Treasurer's Accounts of the County of Plymouth it appears that all the Monies granted and allowed by the Court of General Sessions of the Peace for the said County, from July 8th, 1778, unto July 1st, 1779, was for such Purposes and Appropriations as the Law impowered the said Court to grant, and the Ballance due to the County from the said Treasurer One Thousand four Hundred sixty-five Pounds, seventeen Shillings and one Penny, for which he is to be accountable: Therefore

*Resolved*, That the said Accounts be accepted and allowed. [*Passed September 14.*]

## CHAPTER 268.

RESOLVE FOR DETACHING FIFTY-SEVEN OFFICERS AND PRIVATES FROM THE REGIMENTS IN HAMPSHIRE COUNTY TO DO DUTY AS GUARDS AT SPRINGFIELD FOR THREE MONTHS UPON THE FORMER ESTABLISHMENT.

Legislative  
Records of the  
Council,  
xxxix., 470.  
Mass.  
Archives,  
ccxiii., 480.  
Mass.  
Resolves,  
Sept. Session,  
chap. 26.

Mass.  
Archives,  
ccxiii., 481.  
Province  
Laws, xx., 676,  
chap. 670  
*Ante*, p. 116,  
chap. 226.

*Resolved*, That the Council be and hereby are requested to issue their Order to the Brigadier General or Commanding-Officer in the County of Hampshire, to detach from such Part or Regiment or Regiments of his Brigade as he may think proper, Fifty-six Non-commissioned Officers and Privates, with one Lieutenant, in Case the Captain of the Guard at Springfield should not inlist them before the 15th Day of September Current, and march them to Springfield aforesaid, timely, so that they may arrive there on the Morning of the 24th of the current Month, there under the Command of the Captain of said Guard to do Duty for the Term of three Months from the Day of their Arrival at Springfield aforesaid, unless sooner discharged, upon the same Establishment last allowed to the Springfield and Rutland Guard by a Resolve of this Court. [*Passed September 14.*]



## CHAPTER 269.

RESOLVE REMITTING A FINE OF £300 AND ALLOWING A BOUNTY OF £90 TO THE TOWN OF DUNSTABLE OUT OF THE NEXT STATE TAX.

ON THE PETITION of the Selectmen of the Town of Dunstable, for the Remittance of a Fine of Three Hundred Pounds, and that a Bounty of Ninety Pounds be allowed for three Men in the nine Months Service, agreeable to a Resolve of the General Court of the 20th of April 1778.

*Resolved*, That there be allowed to the Town of Dunstable the Sum of Three Hundred and ninety Pounds out of their next State-Tax. [*Passed September 14.*]

Legislative  
Records of the  
Council,  
xxxix., 470.  
Mass.  
Archives,  
ccxiii., 474.  
Mass.  
Resolves,  
Sept. Session,  
chap. 21.  
Mass.  
Archives,  
ccxiii., 475-477.  
Province  
Laws, xx., 367,  
chap. 970; 356,  
chap. 1000.

## CHAPTER 270.

RESOLVE GRANTING £600,000 TO THE BOARD OF WAR FOR PURCHASING PROVISIONS AND TWO ARMED VESSELS.

*Resolved*, That the Treasurer of this State be and hereby is directed to pay to the Board of War of this State, the Sum of Four Hundred Thousand Pounds, to enable them to purchase such Part of the Provisions and public Stores contained in their Estimate as are more immediately wanted, and the Season of the Year and other Circumstances require should be purchased without delay; and also the further Sum of Two Hundred Thousand Pounds, to enable them to purchase and fix out two armed Vessels, from fourteen to eighteen Carriage Guns, as soon as possible; the said Board of War to be accountable for the Expenditures of said Sums. [*Passed September 14.*]

Legislative  
Records of the  
Council,  
xxxix., 471.  
Mass.  
Archives,  
ccxiii., 470.  
Mass.  
Resolves,  
Sept. Session,  
chap. 24.  
Mass.  
Archives,  
ccclxxxv., 40.

## CHAPTER 271.

ORDER THAT A LETTER BE SENT TO GEN. GATES REQUESTING THE DETENTION OF COL. HENRY JACKSON'S REGIMENT AT CAMBRIDGE UNTIL THE DESIGNS OF THE ENEMY CAN BE ASCERTAINED AND FOR THE SUPPLY OF THE MILITIA AT THE FORTRESSES WITH PROVISIONS.

SIR,

By the Intelligence which you was so kind as to favour us with in yours of the 13th Instant, it is highly probable the Enemy design to invade this State, and that Boston in particular is the Object of their Vengeance, and that their Arrival here may be daily expected; we therefore request that you would issue your Orders to Col. [Henry]<sup>1</sup> Jackson to detain his Regiment, now at Cambridge, in this State for a few Days, until the Designs of the Enemy can be more fully ascertained. We have also to request that you would issue your Orders to the proper Officer here to supply such of the Militia as may be called in for the Defence of the Fortresses here with Provisions.

To Maj. Gen. [HORATIO]<sup>2</sup> GATES.

*Ordered*, That the foregoing Letter be fairly transcribed and signed by the President of the Council and transmitted by Express to General Gates, without Delay. [*Passed September 14.*]

Mass.  
Archives,  
cc., 298.  
Mass.  
Resolves,  
Sept. Session,  
chap. 23.  
Mass.  
Archives,  
ccclxxv., 263.

<sup>1</sup> *Post*, p. 143, chap. 291.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vi., 314.



## CHAPTER 272.

RESOLVE DIRECTING THE BOARD OF WAR TO BORROW 20 BLANKETS FROM THE NAVY BOARD TO BE DELIVERED TO DR. JOSEPH GARDNER FOR THE SICK AND WOUNDED FROM PENOBSCOT NOW IN THE HOSPITAL.

Legislative  
Records of the  
Council,  
xxxix., 471.  
Mass.  
Archives,  
ccxxiii., 492.  
Mass.  
Resolves,  
Sept. Session,  
chap. 33.

*Resolved*, That the Board of War be directed to apply to the Navy-Board for the Loan of a Number of Blankets, not exceeding twenty, to be delivered to Doct. Joseph Gardner, for the sick and wounded Soldiers and Sailors from Penobscot, now in the Hospital. [*Passed September 15.*]

## CHAPTER 273.

RESOLVE DIRECTING THE BOARD OF WAR TO BORROW FROM THE CONTINENTAL COMMISSARY PROVISIONS TO SUPPLY THE GARRISON AT THE CASTLE AND THOSE EMPLOYED IN REPAIRING THE FORTIFICATIONS IN AND ABOUT BOSTON HARBOR.

Legislative  
Records of the  
Council,  
xxxix., 472.  
Mass.  
Archives,  
ccxxiii., 490.  
Mass.  
Resolves,  
Sept. Session,  
chap. 34.  
Mass.  
Archives,  
cclxxv., 41, 42.

*Resolved*, That the Board of War be and they hereby are directed to apply to the Continental Commissary for the Loan of a sufficient Quantity of Provisions to supply the Garrison at the Castle and the People employed in repairing the Fortifications in and about the Harbour of Boston, until they can purchase Provisions and supply them on the State Account. And the Board of War are directed as soon as may be to contract for and procure a sufficient Quantity of Provisions to repay the Continental Commissary, and supply the Garrison and Labourers aforesaid for the future. [*Passed September 15.*]

## CHAPTER 274.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER CLOTHING TO THE TWO PENOBSCOT INDIANS NOW IN TOWN AND TO RENDER AN ACCOUNT OF THE SUPPLIES DELIVERED FOR THE USE OF THE EASTERN INDIANS.

Legislative  
Records of the  
Council,  
xxxix., 472.  
Mass.  
Archives,  
ccxxiii., 491.  
Mass.  
Resolves,  
Sept. Session,  
chap. 31.

*Resolved*, That the Board of War be and hereby are directed to deliver to each of the Indians of the Penobscot Tribe now in the Town of Boston, one Hat, one Shirt, one Blanket, one Pair of Stockings, one Pair of Shoes and one Pair of Buckles, and the Board of War are hereby directed to lay before this Court an Account of the Supplies they have delivered out for the Use of the Eastern Indians. [*Passed September 15.*]

## CHAPTER 275.

RESOLVE DIRECTING THE RECEIVER GENERAL, HENRY GARDNER, ESQ., TO DISCOUNT WITH TIMOTHY REED, JR., £12, L. M., HE PAID TO THE LATE TREASURER, HARRISON GRAY, ESQ.

Legislative  
Records of the  
Council,  
xxxix., 472.  
Mass.  
Archives,  
ccxxiii., 487.  
Mass.  
Resolves,

UPON THE PETITION of Timothy Reed, jun. of Dunstable, praying for the Relief from the General Court from paying Twelve Pounds to the present Receiver-General of this State, which he formerly, as he alledges, paid to Harrison Gray, Esq; late Treasurer of the Province of Massachusetts:



*Resolved*, That Henry Gardner, Esq., the Receiver-General aforesaid, be directed to discount with said Timothy Reed the Sum of Twelve Pounds, Lawful Money, upon the said Reed's exhibiting to and filing with him the Affidavit of Ebenezer French, of the same Tenor with that exhibited to this Court. [*Passed September 15.*]

Sept. Session,  
chap. 29.

Mass.  
Archives,  
ccxxiii., 488, 489.

## CHAPTER 276.

RESOLVE ALLOWING THE FILING OF LIBELS AGAINST THE BRITISH SHIP CALLED THE ROYAL BOUNTY, IN THE MARITIME COURT FOR THE MIDDLE DISTRICT, DIRECTING THE JUDGE TO APPOINT THE TIME FOR THE TRIAL AND A DISTRIBUTION, WITH RIGHT OF APPEAL TO THE SUPERIOR COURT.

WHEREAS a British Ship, called the Royal-Bounty, has lately been condemned to the Use of the Captors and all concerned, and many Disputes have arisen concerning the same, and it cannot be ascertained who were the Captors without a great Number of expensive Law Suits, unless some other Provision should be made by the General Court:

*Resolved*, That any Person or Persons who suppose him or themselves intitled to a Share or Part of a Share in said Prize, may in his or their own behalf, and in behalf of such others as will join with him or them, file a Libel in the Maritime Court for the Middle District of this State, and the Judge of the Court for said District is hereby authorized to appoint a Time for the Trial of the same, and give Notice in like Manner and for the same Space of Time as in other Maritime Causes of the filing of said Libel; when all Persons not named in said Libel and supposing themselves intitled to a Share in said Prize, may file their Claims in said Court, and a Trial shall be had on said Libel, in which the Jury shall determine to whom and in what Proportion said Prize shall be divided, and the said Judge shall direct a Distribution thereof accordingly; saving to any Party a Right of Appeal from such Decree to the next Superior Court to be holden within said District. [*Passed September 15.*]

Legislative  
Records of the  
Council,  
xxxix., 473.  
Mass.  
Archives,  
ccxxiii., 486.  
Mass.  
Resolves,  
Sept. Session,  
chap. 35.

## CHAPTER 277.

RESOLVE DIRECTING THE BOARD OF WAR TO PROVIDE A FLAG OF TRUCE TO REMOVE THE DISTRESSED FAMILIES OF A NUMBER OF THE INHABITANTS OF PENOBSCOT OR MAJORBAGADUCE.

WHEREAS there is a Number of Persons of the Inhabitants of Penobscot or Majorbagaduce that are desirous to remove their distressed Families from that Place on account of the Enemy, and they being unable at their own Expence: Therefore

*Resolved*, That the Board of War be directed to provide them a Vessel and Necessaries as a Flag of Truce for that Purpose, at the Expence of the State. [*Passed September 15.*]

Legislative  
Records of the  
Council,  
xxxix., 474.  
Mass.  
Archives,  
ccxxiii., 485.  
Mass.  
Resolves,  
Sept. Session,  
chap. 30.

*Ante*, p. 131,  
chap. 257.



## CHAPTER 278.

Legislative  
Records of the  
Council,  
xxxix., 474.  
Mass.  
Archives,  
ccxxiii., 484.  
Mass.  
Resolves,  
Sept. Session,  
chap. 32.  
Mass.  
Archives,  
clxxxv., 238.

RESOLVE GRANTING DANIEL DRUCE, A PENSIONER OF THE FRENCH  
AND INDIAN WAR, AN INCREASE TO £30 A YEAR.

*Resolved*, That there be paid out of the public Treasury of this State unto Daniel<sup>1</sup> Druce, the Sum of Thirty Pounds, for the Reasons mentioned in his Petition, and that the said Sum be considered as a Grant to him for the current Year, beginning on the 1st Day of June last, when his last Grant ceased. [*Passed September 15.*]

## CHAPTER 279.

RESOLVE GRANTING £84 TO THE SELECTMEN OF WILLIAMSTOWN  
FOR BOUNTIES ACCORDING TO RESOLVE OF JUNE 12, 1778.

Legislative  
Records of the  
Council,  
xxxix., 477.  
Mass.  
Archives,  
ccxxiii., 494.  
Mass.  
Resolves,  
Sept. Session,  
chap. 28.  
Province  
Laws, xx., 441,  
chap. 55.

UPON APPLICATION made by the Selectmen of the Town of Williamston, setting forth that they raised six Men agreeable to a Resolve of this Court of June 12th, 1778, and have not received the Fourteen Pounds Bounty for each Man which was promised by said Resolve to those Towns that should comply with the same: Therefore

*Resolved*, That there be paid out of the public Treasury to the Selectmen of said Williamston the Sum of Eighty-four Pounds in full of said Bounties. [*Passed September 15.*]

## CHAPTER 280.

RESOLVE DIRECTING THE COMMISSARY GENERAL TO DELIVER  
RICE FOUR DAYS IN THE WEEK AND BREAD OR FLOUR THREE  
DAYS TO SUCH AS RECEIVE RATIONS BY ORDER OF GOVERN-  
MENT AND TO ALLOW ONE POUND AND A QUARTER OF RICE IN  
ROOM OF ONE POUND OF BREAD OR FLOUR.

Legislative  
Records of the  
Council,  
xxxix., 479.  
Mass.  
Archives,  
ccxxiii., 495.  
Mass.  
Resolves,  
Sept. Session,  
chap. 39.

WHEREAS the State of the public Magazines is such as will render it necessary for the present to issue some Part of the Rations from the Commissary General's Office in Rice in lieu of Flour or Bread: Therefore

*Resolved*, That the Commissary General be directed and he is hereby accordingly directed to deliver Rice four Days in the Week, and Bread or Flour three Days in the Week to such Persons as receive Rations from his Office by order of Government, one Pound and a Quarter of Rice to be allowed in the room of one Pound of Bread or Flour, this Resolve to be in force until the further Order of this Court. [*Passed September 16.*]

<sup>1</sup> Originally read William, changed to Daniel, and endorsed Daniel. The petition, Massachusetts Archives, clxxxv., 238, is signed Daniel and states that he fell sick of the smallpox on his return from camp in 1760 and received a pension of £6 for years but owing to depreciation of the currency asks an addition.



## CHAPTER 281.

RESOLVE ALLOWING SAMUEL RUGGLES, STATE CLOTHIER, £90 PER MONTH, RATIONS AND HORSE HIRE.

WHEREAS Mr. Samuel Ruggles has been appointed (by this Court) State Clothier, to reside with or near that Part of the Continental Army raised by this State, and observe and perform all the Duties enjoined on a State Clothier, agreeable to a Resolve of the Continental Congress passed March 23, 1779:

*Resolved*, That the said Samuel Ruggles shall be intitled to the Sum of Ninety Pounds per Month for his Service, during the Time he shall continue in that Office, and in case he shall not be allowed his Rations and Horse-Hire in going to and returning from Camp by the Continent, he shall be paid for the same by this State. [*Passed September 16.*]

Legislative  
Records of the  
Council,  
xxxix., 479.  
Mass.  
Archives,  
ccxxii., 496.  
Mass.  
Resolves,  
Sept. Session,  
chap. 38.

Legislative  
Records of the  
Council,  
xxxix., 464.  
*Ante*, p. 131,  
chap. 258.

## CHAPTER 282.

VOTE CHOOSING JAMES MILLER ADJUTANT OF THE 5TH REGIMENT IN MIDDLESEX COUNTY.

In the House of Representatives

The House, by Ballot, made choice of James Miller as an Adjutant to the fifth Regiment of Militia in the County of Middlesex.

In Council

Read and Concurred. [*Passed September 16.*]

Legislative  
Records of the  
Council,  
xxxix., 480.  
Mass.  
Archives,  
ccxxiii., 497.  
Mass.  
Resolves,  
Sept. Session,  
chap. 36.

## CHAPTER 283.

RESOLVE DIRECTING THE BOARD OF WAR TO PROCURE 5,000 FELT HATS FOR THE USE OF NONCOMMISSIONED OFFICERS AND PRIVATES OF THE CONTINENTAL REGIMENTS RAISED IN THIS STATE.

WHEREAS no Provision has as yet been made for the procuring of Hats for the Supply of this State's Quota of the Continental Army: Therefore

*Resolved*, That the Board of War be and hereby are directed immediately to procure Five Thousand Felt-Hats upon as reasonable Terms as possible, for the Use of the Non-commissioned Officers and Privates belonging to the Continental Regiments raised in this State, and deliver them, when procured, to such Person as the General Court, or in the Recess of the Court, as the Council may direct. [*Passed September 17.*<sup>1</sup>]

Legislative  
Records of the  
Council,  
xxxix., 478.  
Mass.  
Archives,  
ccxiv., 23.  
Mass.  
Resolves,  
Sept. Session,  
chap. 45.

Mass.  
Archives,  
ccxiv., 23, 24.

<sup>1</sup> This date is same in Massachusetts Resolves, but September 16 according to Legislative Records of the Council.



## CHAPTER 284.

RESOLVES DIRECTING JOHN WITHINGTON AND OTHERS, COMMITTEE OF STOUGHTON IN 1775, TO PAY £30. 7s. 4d. TO JOHN McWHORTER FOR IRON SEIZED BY THEM, DISMISSING THE ACTION NOW PENDING IN BRISTOL COUNTY, AND FOREVER BARRING JOHN McWHORTER FROM ANY FURTHER ACTION.

Legislative  
Records of the  
Council,  
xxxix., 480.  
Mass.  
Archives,  
ccxxiii., 498.  
Mass.  
Resolves,  
Sept. Session,  
chap. 37.

Mass.  
Archives,  
ccxxiii., 498½-  
513.  
*Ante*, p. 27,  
chap. 51.

UPON THE PETITION of John Withington and others, Committee of the Town of Stoughton for the Year 1775:

*Resolved*, That the Committee of the Town of Stoughton for the Year 1775 pay unto John McWhorter of Taunton the Sum of Thirty Pounds seven Shillings and four Pence, in full of all Demands for 20C. 1qr. 3lb. of Iron, which was seized by said Committee agreeable to the Spirit of a Resolve of the Provincial Congress, passed February 5, 1775. And it is further

*Resolved*, That the Action now pending in the Inferior Court for the County of Bristol, wherein the said John McWhorter is Plaintiff, and John Kenny, Benjamin Bussey, James Hawkes, Lewis and William Crane are Defendants, be and it is hereby dismissed: And that the said John McWhorter be and he hereby is forever barred from sustaining or prosecuting any Process against any Person for the Seizure and Sale of the Iron as aforesaid. [*Passed September 17.*<sup>1</sup>

## CHAPTER 285.

ORDER APPOINTING A COMMITTEE TO CONSIDER THE ANNEXATION OF PART OF STONEHAM TO READING.

Legislative  
Records of the  
Council,  
xxxix., 481.  
Mass.  
Archives,  
ccxxiv., 1.  
Mass.  
Resolves,  
Sept. Session,  
chap. 41.

THE COMMITTEE of both Houses upon the Petition of Joseph Bryant and others, praying to be set off from the Town of Stoneham, and be annexed to the Town of Reading, beg Leave to report that in their Opinion it is proper that a Committee of the General Court should be appointed to repair to Stoneham and view the Situation of the Petitioners, hear the Parties, and enquire into the Circumstances of the Town of Stoneham, and report what is proper to be done as soon as may be; the Expences to be paid as the General Court shall hereafter direct.

All which is Submitted

EDWARD CUTTS per Order

In Council

Read and Accepted.

In the House of Representatives

Read and Concurred and thereupon

*Ordered*, That Col. [Loammi]<sup>2</sup> Baldwin and Capt. [Benjamin]<sup>3</sup> Blaney with such as the Honorable Board shall join, be a Committee for the purposes therein-mentioned

In Council

Read and Concurred and Aaron Wood, Esq., is joined. [*Passed September 17.*<sup>4</sup>

<sup>1</sup> This date is September 16, according to Legislative Records of the Council and Massachusetts Resolves.

<sup>2</sup> Of Woburn.

<sup>3</sup> Of Malden.

<sup>4</sup> This date is same in Massachusetts Resolves, but September 16 according to Legislative Records of the Council.



## CHAPTER 286.

RESOLVE CONFIRMING TO THE HEIRS OF CAPT. MOSES RICE 100 ACRES OF LAND LYING ON THE SOUTH LINE OF CHARLEMONT, GRANTED TO HIM DEC. 4, 1752.

ON THE PETITION of Asaph White, praying that a certain Plan,<sup>1</sup> inclosed in said Petition, of one Hundred Acres of Land, lying on the South-Line of Charlemont, in the County of Hampshire, granted by the General Court, December 4th, 1752, to Capt. Moses Rice, for certain Services he had done for Government, and Damages he had sustained, may be allowed and confirmed to the Heirs of the said Moses Rice, deceased:

*Resolved*, That said Plan be allowed, and the Hundred Acres of Land therein described, be and hereby is confirmed to the Heirs and Assigns of the said Moses Rice, deceased, forever, saving the Widow's Right of Dower (if any she have therein) and provided the Plan exceeds not the Quantity of one Hundred Acres, and does not interfere with any former Grant. [*Passed September 17.*]

Legislative  
Records of the  
Council,  
xxxix., 482.  
Mass.  
Archives,  
ccxiv., 20.  
Mass.  
Resolves,  
Sept. Session,  
chap. 44.

Mass.  
Archives,  
ccxiv., 21, 22,  
111, 111a.  
Province  
Laws, xiv.,  
659, chap. 79.

## CHAPTER 287.

RESOLVES FOR DETACHING 400 MEN, FROM THE COUNTIES OF SUFFOLK, ESSEX, MIDDLESEX AND WORCESTER, FOR COMPLETING AND MANNING THE FORTRESSES IN AND ABOUT THE HARBOR OF BOSTON AND MAKING AN ESTABLISHMENT FOR THE SAME.

WHEREAS the Safety of this and the United States absolutely require that the Fortresses in and about the Harbour of Boston should be compleated and manned in the most expeditious Manner: Therefore

*Resolved*, That Orders be immediately issued to Maj. Gen. [John]<sup>2</sup> Hancock, for the Purpose of detaching four Hundred Men, non-commissioned Officers included, to serve until the second Wednesday in November next, unless sooner discharged, for carrying on and manning the Works in and about the Harbour of Boston, in Manner following, viz.

From the Brigade in the County of Suffolk, one Hundred Men.

From the Brigade in the County of Essex, one Hundred Men.

From the Brigade in the County of Middlesex, one Hundred Men.

From the Brigade in the County of Worcester, one Hundred Men.

The aforesaid four Hundred Men to be formed into four Companies of one Hundred Men each (non-commissioned Officers included) properly armed and equipped; that the Commissioned Officers for said Companies be also detached from said Brigades. The Brigadiers or Commanding-Officers so detaching shall make or cause to be made such Detachments, as soon as possible after receiving their Orders for said Purpose, and make Return of their Doings immediately after said Detachments are made, to the General aforesaid, and order said Companies to march forthwith to the Fortresses aforesaid, agreeable to such Orders as they shall receive. And be it further

*Resolved*, That each Captain so detached shall receive out of the public Treasury of this State at the Rate of Thirty Pounds per

Legislative  
Records of the  
Council,  
xxxix., 483.  
Mass.  
Archives,  
ccxiv., 15.  
Mass.  
Resolves,  
Sept. Session,  
chap. 42.

Mass.  
Archives,  
ccxiv., 17, 18.

<sup>1</sup> This plan, made by Samuel Taylor, surveyor, dated Buckland, Aug. 30, 1779, in Massachusetts Archives, ccxiv., 22.

<sup>2</sup> *Ante*, p. 128, chap. 252.



Month, in Addition to the Continental Pay. To each Lieutenant Twenty-four Pounds per Month; to each Serjeant Eighteen Pounds per Month; to each Corporal, Drum and Fife, Seventeen Pounds per Month, and to each Private Sixteen Pounds per Month, in Addition to said Continental Pay. Said Companies to continue in Service to the 2nd Wednesday in November next, and no longer, their Pay to commence from the Time of their Arrival in Camp.

*Resolved*, That if any Person shall be detached by his Officer for the Service aforesaid, and shall not within twenty-four Hours after he is so detached pay a Fine of Thirty Pounds, or procure some able-bodied Man in his room properly armed and equipped, he shall be held as a Soldier in said Detachment and treated as such; and the Officers who shall receive such Fines shall proceed to hire Men therewith, or detach others, as the case may be, until he hath completed his Quota.

*Resolved*, That the Selectmen of such Towns where such Detachments shall be made, pay the Sum of Two Shillings Mileage, as is usual when such Detachments are made, and lay their Accounts before the Committee on Accounts for Allowance and Payment. And it is further

*Resolved*, That the Selectmen, where there are no Military Officers, shall and hereby are directed to do the Duty of Military Officers in all Detachments required from the Companies in their respective Towns. [*Passed September 17.*]

## CHAPTER 288.

### RESOLVE MAKING AN ESTABLISHMENT FOR DETACHMENTS MADE BY THE COUNCIL DURING THE RECESS AND TO THOSE ORDERED TO PENOBSCOT.

Legislative  
Records of the  
Council,  
xxxix., 485.  
Mass.  
Archives,  
ccxiv., 2.  
Mass.  
Resolves,  
Sept. Session,  
chap. 40.

*Ante*, p. 104,  
chap. 199; p.  
114, chap. 221.

*Resolved*, That there be allowed and paid out of the public Treasury of this State to the several Detachments from the Militia thereof, which were made by the Honorable Council in the Recess of the General Court, and also to those ordered for the Expedition to Penobscot, the several Sums following, in Addition to the Continental Pay and Rations for each Calendar Month they have or may remain in Service, and who did or shall not leave the Service till regularly discharged, viz. To each Colonel Forty-five Pounds, to each Lieutenant-Colonel and Regimental Surgeon Forty Pounds, to each Major Thirty-five Pounds, to each Captain, Adjutant, Quarter-Master and Surgeon's Mate Thirty Pounds, to each Lieutenant Twenty-four Pounds, to each Serjeant Twenty-three Pounds, to each Corporal, Drummer and Fifer Twenty-two Pounds, and to each Private Twenty-one Pounds. Also a further Sum of Two Shillings per Mile for each Mile they marched to the Place where Rations were provided; also for each Mile from the Place of their Discharge to the Places of their respective Abodes. The said Sums for Mileage to be made up in the Pay-Roll for the additional Pay. [*Passed September 17.*]



## CHAPTER 289.

RESOLVE FOR SUPPLYING THE SEA COAST MEN WITH RICE FOUR DAYS A WEEK INSTEAD OF FLOUR.

*Resolved*, That the Board of War be and they hereby are directed to order the several Commissaries appointed to supply the Sea-Coast Men with Provisions, to observe the same Rules and Regulations respecting issuing Rations, particular to substitute Rice instead of Flour, four Days in a Week, as was provided by a Resolve passed the 16th Instant; and the Secretary is hereby directed to serve the Board of War with a Copy of this Resolution without delay. [*Passed September 17.*]

Legislative  
Records of the  
Council,  
xxxix., 486.  
Mass.  
Archives,  
ccxiv., 14.  
Mass.  
Resolves,  
Sept. Session,  
chap. 43.  
Mass.  
Archives,  
ccxxxv., 45.  
*Ante*, p. 138,  
chap. 280.

## CHAPTER 290.

RESOLVE FOR FORMING THE 80 PRIVATES, ENLISTED IN COL. JACOBS'S REGIMENT OF LIGHT INFANTRY, INTO A SEPARATE CORPS IN ONE COMPANY.

WHEREAS it was resolved on the 24th of April last that a Regiment of Light-Infantry should be raised in this State, and to do Duty in the New-England States, under the Command of Col. Jacob Gerrish, and afterwards given to Col. John Jacobs; and by the Returns it appears that not more than eighty Privates have enlisted into said Regiment: Therefore

*Resolved*, That the eighty Privates enlisted as aforesaid be formed into a separate Corps in one Company, to be commissioned by the Honorable Council. [*Passed September 17.*]

Legislative  
Records of the  
Council,  
xxxix., 487.  
Mass.  
Archives,  
ccxiv., 13.  
Mass.  
Resolves,  
Sept. Session,  
chap. 46.  
Province  
Laws, xx., 687,  
chap. 692.  
*Ante*, p. 67,  
chap. 128.

## CHAPTER 291.

RESOLVE FOR SUPPLYING COL. HENRY JACKSON'S REGIMENT THEIR JUST PROPORTION OF SMALL STORES AT THE USUAL PRICES.

WHEREAS the Regiment commanded by Col. Henry Jackson is now in this State, and there being no Commissary here to receive and issue the small Stores provided for the Comfort of that Part of the Continental Army raised in this State: Therefore

*Resolved*, That the Committee appointed to supply the Army with small Stores be and they hereby are directed to deliver to such Person as shall be appointed by the Field-Officers of said Regiment to receive them, such a Quantity of small Stores as the said Committee shall judge will be their just Proportion with the rest of the Army, they paying for the same the Prices ordered to be received for such Stores. [*Passed September 18.*]

Legislative  
Records of the  
Council,  
xxxix., 488.  
Mass.  
Archives,  
ccxiv., 26.  
Mass.  
Resolves,  
Sept. Session,  
chap. 47.  
*Ante*, p. 57,  
chap. 102.



## CHAPTER 292.

RESOLVE DIRECTING THE BOARD OF WAR TO PAY £3,050 TO JOHN ANDERSON OF NEWBURYPORT IN DISCHARGE OF A JUDGMENT AGAINST COL. ALLAN, TO BE CHARGED AGAINST HIM UNTIL HE OR THE TRUCK MASTER AT MACHIAS ACCOUNT FOR THE SAME.

Legislative  
Records of the  
Council,  
xxxix., 483.  
Mass.  
Archives,  
ccxiv., 27.  
Mass.  
Resolves,  
Sept. Session,  
chap. 49.

THE COMMITTEE of both Houses, on the Petition of James Avery praying on behalf of Col. John Allan the assistance of this Court to discharge a Judgement recovered against said Allan by John Anderson of Newbury-Port for Three Thousand Pounds and Cost of Suit, ask leave to Report the following Resolve.

AARON WOOD per Order.

Mass.  
Archives,  
ccxiv., 28-31.

*Resolved*, That the Board of War of this State be directed to pay to John Anderson of Newbury-Port, or his Order, the Sum of Three Thousand Pounds, and Cost of Suit, taxed at Fifty Pounds, in full discharge of the Judgment recovered by him against Col. John Allan, and that the Board of War charge the Truck-Master at Machias with the said Sums. The said Allan notwithstanding to be held accountable for said Sums, until he or the said Truck-Master account for the same to this State. [*Passed September 20.*<sup>1</sup>]

## CHAPTER 293.

RESOLVES FOR SUPPLYING THE OFFICERS OF GLOVER'S BRIGADE AND ALL OTHER OFFICERS BELONGING TO THIS STATE IN THE CONTINENTAL ARMY WITH CLOTHING, AND GRANTING £10,000 FROM THE SALE OF ESTATES OF ABSENTEES TOWARDS THE SAME.

Legislative  
Records of the  
Council,  
xxxix., 489.  
Mass.  
Resolves,  
Sept. Session,  
chap. 48.

ON THE PETITION of the Officers of Gen. [John]<sup>2</sup> Glover's Brigade, praying they may be supplied with Cloathing:

*Resolved*, That the Board of War be and they hereby are directed in the most expeditious Manner possible, to purchase or otherwise procure suitable Cloth for a Suit of Cloaths for each of said Officers, also one Pair of Leather-Breeches, one Hat, one Pair of Shoes, one Watch-Coat, one Pair of Boots, Linen sufficient for six Shirts and Stocks for each Field-Officer, and two Shirts and Stocks for each Captain and Subaltern, also six Pair of Stockings for each Field-Officer, and two Pair for each Captain and Subaltern, agreeable to their Return, and deliver the same as fast as they are procured to Maj. Thomas Cogswell, or such other Person as may be empowered by said Officers to receive them, taking Receipts for the same; each Officer to be accountable on the final Adjustment of his Account for the Articles provided for him. And the Board of War are further directed without delay to procure the like Articles for all the Officers belonging to this State in the Continental Army, to be delivered or sent forward as the General Court or in the Recess thereof the Council shall direct. And to enable the Board of War to enter on this Business immediately. It is further

*Resolved*, That there be paid out of the public Treasury of this State the Sum of Ten Thousand Pounds, out of the Money arising from the Sale of Absentees Estates, as a Part of the Sum already granted them to procure Cloathing, &c. [*Passed September 20.*]

<sup>1</sup> This date is same in Massachusetts Resolves, but September 17 according to Legislative Records of the Council.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vi., 508.



## CHAPTER 294.

RESOLVE DISMISSING COL. JACOBS AND ALL THE OFFICERS UNDER HIM OF THE REGIMENT OF LIGHT INFANTRY, EXCEPT SUCH AS MAY BE COMMISSIONED FOR THE EIGHTY MEN RAISED FOR THE SAME.

WHEREAS a Resolve of this State passed the 16th of April, 1779 to raise a Regiment of Light-Infantry, to do Duty in the State of Rhode-Island, to be commanded by Col. [Jacob]<sup>1</sup> Gerrish and afterwards by Col. John Jacobs; and as it appears by the Returns of the last mentioned Colonel, that not more than eighty Men have or can be inlisted for said Purpose, and as the Honorable Council in the Recess of the Court ordered four Hundred Men to be detached for two Months, over and above the Regiment commanded by Col. [Nathan]<sup>2</sup> Tyler, and from several Letters from Gen. [Horatio]<sup>3</sup> Gates it is not unlikely but this State will be suddenly attacked: Therefore

*Resolved*, That Col. John Jacobs and all the Officers under him for the Regiment aforesaid be dismissed; excepting such as the Honorable Council may commission for the eighty Men above mentioned. [*Passed September 20.*]

Legislative  
Records of the  
Council,  
xxxix., 490.  
Mass.  
Archives,  
ccxiv., 33.  
Mass.  
Resolves,  
Sept. Session,  
chap. 52.

*Ante*, p. 143,  
chap. 290.

## CHAPTER 295.

RESOLVE GRANTING £22. 10s. TO JOHN ALDEN FOR BREAD AND RICE DELIVERED THE TROOPS AT DARTMOUTH.

ON THE PETITION of John Alden, praying for Allowance for Bread and Rice delivered the Troops stationed at Dartmouth:

*Resolved*, That there be allowed and paid out of the public Treasury of this State to John Alden, the Sum of Twenty-two Pounds ten Shillings, in full for Bread and Rice delivered the Troops stationed at Dartmouth. [*Passed September 20.*]

Legislative  
Records of the  
Council,  
xxxix., 491.  
Mass.  
Resolves,  
Sept. Session,  
chap. 51.

## CHAPTER 296.

RESOLVE GRANTING £200 TO ANDREW CAMPBELL, RECRUITING OFFICER IN PLYMOUTH COUNTY.

ON THE PETITION of Andrew Campbell, praying for Allowance for recruiting Men:

*Resolved*, That there be allowed and paid out of the public Treasury of this State to Andrew Campbell, recruiting Officer in the County of Plymouth, the Sum of Two Hundred Pounds, in full for the Bounty for recruiting Men, and for his Charges and Expences attending the same. [*Passed September 20.*]

Legislative  
Records of the  
Council,  
xxxix., 491.  
Mass.  
Archives,  
ccxiv., 41.  
Mass.  
Resolves,  
Sept. Session,  
chap. 53.

Mass.  
Archives,  
ccxiv., 43-47.

<sup>1</sup> *Ante*, p. 143, chap. 290.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xii., 238.

<sup>3</sup> *Ante*, p. 135, chap. 271.



## CHAPTER 297.

RESOLVE EMPOWERING THE COURT OF GENERAL SESSIONS IN MIDDLESEX COUNTY TO GRANT MONEY FOR COUNTY CHARGES, NOTWITHSTANDING THE TREASURER'S ACCOUNT IS UNSETTLED.

Legislative  
Records of the  
Council,  
xxxix., 492.  
Mass.  
Archives,  
ccxiv., 35.  
Mass.  
Resolves,  
Sept. Session,  
chap. 50.

WHEREAS David Cheever, Esq., was chosen and appointed Treasurer of the County of Middlesex for the Year 1778, expiring in May last, who officiated in said Office Part of said Year only, after whose Resignation Ebenezer Bridge, Esq., was chosen, and acted as Treasurer for said County the Remainder of the Year, by Means whereof the Treasurer's Accounts for said Year have not been settled and adjusted according to the Laws of this State: And whereas it is of Importance that the County Tax should be ordered during the present Session of the Court of General Sessions of the Peace now held at Concord, in and for said County: Therefore

*Resolved*, That the Court of General Sessions of the Peace now Sitting at Concord, in and for the said County of Middlesex, be and they hereby are impowered to grant and order such Sum of Money as they shall think necessary for defraying County Charges and Expences; the Treasurer's Accounts for said Year 1778 not having been adjusted notwithstanding. [*Passed September 20.*]

## CHAPTER 298.

VOTE CHOOSING THE FIELD OFFICERS OF THE 5TH REGIMENT IN ESSEX COUNTY.

Legislative  
Records of the  
Council,  
xxxix., 492.  
Mass.  
Archives,  
ccxiv., 36.  
Mass.  
Resolves,  
Sept. Session,  
chap. 54.

In the House of Representatives  
The House, by Ballot, made Choice of the following Gentlemen as Officers of the fifth Regiment of Militia in the County of Essex viz.

William Bacon	.	.	.	.	.	Colonel
Thomas Grant	.	.	.	.	.	Lieutenant Colonel
John Selman	.	.	.	.	.	Major
Joseph Eaton	.	.	.	.	.	Adjutant

In Council  
Read and Concurred. [*Passed September 20.*]

## CHAPTER 299.

RESOLVE DIRECTING THE TREASURER NOT TO ISSUE EXECUTIONS AGAINST DELINQUENT CONSTABLES OR COLLECTORS OF TAXES IN THE COUNTY OF DUKES COUNTY, THE PRESENT STATE OF THAT COUNTY BEING PARTICULARLY DISTRESSING.

Legislative  
Records of the  
Council,  
xxxix., 438.  
Mass.  
Archives,  
ccxiv., 55.  
Mass.  
Resolves,  
Sept. Session,  
chap. 55.

THE COMMITTEE of both Houses, appointed upon the Petition of James Athearne, having considered the Same, ask leave to Report the following Resolve; which is submitted

MOSES GILL per Order.

*Resolved*, That Henry Gardner, Esq., Treasurer of this State, be and he is hereby directed not to issue Executions against any delinquent Constable or Collector in the County of Dukes-County for any Taxes already laid upon said County, until the further Order of the General Court, the present State of that County being peculiarly distressing. [*Passed September 21.*]<sup>1</sup>

<sup>1</sup> This date is same in Massachusetts Resolves, but is September 18 according to Legislative Records of the Council.



## CHAPTER 300.

RESOLVE FOR APPREHENDING BRITISH PRISONERS NOW AT LARGE IN THE TOWN OF BOSTON, CONFINING THEM ON THE PRISON SHIPS IN THE HARBOR, AND FOR CONFINING ALL OTHER SUSPECTED PERSONS IN THE GAOL.

WHEREAS great Disorders have arisen in the Town of Boston by British Prisoners being suffered to go at large in said Town:

*Resolved*, That the Committee of Correspondence of the Town of Boston be and they are hereby directed forthwith to apprehend all British Prisoners<sup>1</sup> now going at large in said Town, and deliver them to the Commissary of Prisoners of this State, who is directed to confine them on board the Prison-Ships in this Harbour until the further Order of the Council, and said Committee are also directed to take up all other suspected Persons and carry them before some Civil Magistrate, who is directed to examine them, and if they are not able to give a good Account of themselves, to commit them to Gaol until the further Order of this Court, or of the Honorable Council in the Recess of the same. [*Passed September 21.*]

Legislative  
Records of the  
Council,  
xxxix., 493.  
Mass.  
Archives,  
ccxiv., 49.  
Mass.  
Resolves,  
Sept. Session,  
chap. 56.  
Mass.  
Archives,  
ccxiv., 37-40.

## CHAPTER 301.

RESOLVES FOR SUPPLYING THE TOWN OF GLOUCESTER WITH 1,000 POUNDS WEIGHT OF GUN POWDER, THE SELECTMEN TO ACCOUNT FOR THE EXPENDITURE OF THE SAME AND OF THAT PREVIOUSLY RECEIVED.

WHEREAS it appears to this Court by a Petition of the Inhabitants of the Town of Gloucester, that they are in immediate Want of a Supply of Gun-Powder: Therefore

*Resolved*, That the Board of War be and they hereby are directed to deliver to the Selectmen of the Town of Gloucester, one Thousand Pounds Weight of Gun-Powder, they to be accountable to this Court for the Expenditure of the same.

And whereas there has been delivered out of the public Magazines of this State to the aforesaid Town of Gloucester considerable Quantities of Gun-Powder, and as this Court are desirous of knowing to what Use it has been appropriated: It is further

*Resolved*, That the Selectmen of the aforesaid Town of Gloucester be and they are hereby ordered to make a Return forthwith to this Court in what Way they have expended the Powder that has been received out of the public Magazines as aforesaid. [*Passed September 21.*]

Legislative  
Records of the  
Council,  
xxxix., 494.  
Mass.  
Archives,  
ccxiv., 51.  
Mass.  
Resolves,  
Sept. Session,  
chap. 57.  
Mass.  
Archives,  
ccxiv., 52;  
ccclxxxv., 42.

## CHAPTER 302.

LETTER TO THE CONTINENTAL CONGRESS ASKING THAT THE STATE COULD RETAIN THE CONTINENTAL TAX OF \$6,000,000 UNTIL SUCH TIME AS THE EXPENDITURES FOR THE PENOBSCOT EXPEDITION ARE LIQUIDATED AND REIMBURSEMENT MADE.

SIR,

The failure of the Expedition planned by this State to dislodge the Enemy from Penobscot hath involved this Government in extreme Difficulty: We not only have lost three State Vessels of

Mass.  
Archives,  
cxlv., 171, 172.  
Mass.  
Resolves,  
Sept. Session,  
chap. 58.  
*Ante*, p. 142,  
chap. 288.

<sup>1</sup> "De Valnais, Consul de France," complained "that the Captain of his most christian Majesty's Frigate as well as his officers & crew had been insulted & attacked by several British saylors supposed to belong to the Continental Frigate now laying in this harbour, or some British prisonners taken by said Frigate."



Force, but have insured all the others, excepting Continental, that were employed on that unfortunate Service. The Calls upon us to make good our Contracts with the Owners of the private Ships are pressing and must be fulfilled or the public Faith and Credit be irreparably injured; in addition to which the frequent Draughts from our Militia for the Purpose of defending this and the neighbouring States, of guarding Continental Stores and Prisoners of War brought into this Government from time to time in great Numbers, which are not made without great Expence, keeps our Treasury exhausted, and although we have taxed to the amount of Two Millions above the Sum directed by Congress to be raised, we still find the Sums Government have raised inadequate to the continual and urgent Requisitions on the Treasury; and as the Expiration of the Time of Inlistment of the Soldiers who form this State's Quota of the Continental Army is nearly arrived, we are sensible that to re-engage our Troops will require the most strenuous Efforts, and that very large Sums of Money must be employed to effect this great Purpose; we have therefore earnestly to request of Congress to pass such an Order as shall enable this State to retain the Six Millions of Dollars which were ordered to be raised in this State as a Continental Tax, until such Time as the Expenditures of the Penobscot Armament shall be liquidated and Congress shall order a Reimbursement of that Expence to be made this State.

His Excellency JOHN JAY, Esq.

[September 21.]

## CHAPTER 303.

RESOLVES DIRECTING THE TREASURER TO REPAY TO MR. CUMBERLAND DUGAN £5,000 OUT OF THE MONEY RECEIVED FOR FORFEITED ESTATES, BEING PART OF THAT LENT BY HIM FOR THE PURCHASE OF FLOUR.

WHEREAS the General Court did by their Resolve of the 26th of January last impower and direct the Treasurer of this State to hire a Sum of Money for the Purpose of importing a Quantity of Flour into this State, and to give his Security for the repayment thereof, but no sufficient Provision is made therein to enable the Treasurer to repay the Money so borrowed, and as it appears that Mr. Cumberland Dugan has lent Money for the above Purpose: Therefore

*Resolved*, That the Treasurer be directed to repay the Money borrowed for the above Purpose out of such public Monies as may hereafter be paid into his Hands. And be it further

*Resolved*, That the Treasurer be directed, and he is accordingly hereby directed to repay to Mr. Cumberland Dugan Five Thousand Pounds (being Part of the Money by him lent as aforesaid) out of the Money in his Hands that arose by the Sales of the forfeited Estates. [Passed September 22.]

Legislative  
Records of the  
Council, 495.  
Mass.  
Archives,  
cxciv., 67.  
Mass.  
Resolves,  
Sept. Session,  
chap. 64.

Province  
Laws, xx.,  
569, chap. 400.  
*Ante*, p. 106,  
chap. 204.



## CHAPTER 304.

RESOLVE FOR SUPPLYING MR. JOSEPH WHIPPLE, SURGEON TO THE CORPS OF ARTILLERY, WITH NECESSARY ARTICLES FOR THE SICK.

Legislative  
Records of the  
Council,  
xxxix., 495.  
Mass.  
Archives,  
ccxiv., 65.  
Mass.  
Resolves,  
Sept. Session,  
chap. 63.

ON THE PETITION of Joseph Whipple, Surgeon to the Corps of Artillery of this State, praying for necessary Articles for the Sick in said Corps:

*Resolved*, That the Board of War be and they hereby are directed to supply the Surgeon of said Corps with such Articles as they shall judge necessary for the Comfort of the Sick. [*Passed September 22.*]

Mass.  
Archives,  
ccxiv., 66.

## CHAPTER 305.

RESOLVES DIRECTING THE SHERIFF OF SUFFOLK COUNTY, HIS DEPUTIES AND THE CONSTABLES OF BOSTON, TO ATTEND THE COMMITTEE ENQUIRING INTO THE FAILURE OF THE PENOBSCOT EXPEDITION, AND EMPOWERING SAID COMMITTEE TO ADMINISTER OATHS, AND SUMMON WITNESSES.

WHEREAS it is necessary the Committee appointed to investigate the Causes of the Miscarriage of the late Expedition to Penobscot, &c. should be attended with some Civil Officers, the better to enable them to preserve Order in the Course of their Business, and also to serve such Summons, Order or other Process, as the said Committee are impowered and may judge proper to issue for the Execution of their said Business: Therefore, it is

Legislative  
Records of the  
Council,  
xxxix., 496.  
Mass.  
Archives,  
ccxiv., 56.  
Mass.  
Resolves,  
Sept. Session,  
chap. 60.

*Resolved*, That the Sheriff of the County of Suffolk and such of his Deputies, and also of the Constables of the Town of Boston, in said County, as the said Committee shall direct and require to attend upon them, shall and hereby are directed to give their Attendance accordingly, and are also impowered and directed to serve and execute any Summons, Order or other Process which the said Committee shall issue in pursuance of the Power and Authority given them as aforesaid. And it is further

Mass.  
Archives,  
cxlv., 177.  
*Ante*, p. 129,  
chap. 254.

*Resolved*, That the President of the said Committee, for the Time being, shall be and hereby is authorized and directed to administer a proper Oath to any Person or Persons whom the said Committee shall think fit to examine as a Witness or Witnesses, touching the Subject Matter of their Enquiry. And such Summons, Order or other Process, which shall be issued by said Committee as aforesaid, shall be signed by the Clerk or Clerks appointed by said Committee or either of them only, and not by any Member of said Committee; and all Persons are directed to yield Obedience to every such Summons, Order or other Process, on pain of Imprisonment for their Contempt or Refusal, by Order of said Committee. [*Passed September 22.*]



## CHAPTER 306.

RESOLVES GRANTING £1,162. 19s. 6d. TO JOSEPH HARDING AND OTHERS, WITH SUFFICIENT RATIONS TO SUPPORT THEM ON THEIR RETURN HOME.

Legislative  
Records of the  
Council,  
xxxix., 497.  
Mass.  
Resolves,  
Sept. Session,  
chap. 61.

ON THE PETITION of Joseph Harding, praying for an Allowance for himself and Vessel, as is set forth in said Petition: It is therefore

*Resolved*, That the Prayer of said Petition be granted, and that there be allowed and paid out of the public Treasury of this State to the said Joseph Harding, the Sum of Seven Hundred and seven Pounds fifteen Shillings, in full of his Account; and to Robert Treat, the Sum of Seventy-eight Pounds four Shillings; and to Silas Hartham, the Sum of Twelve Pounds two Shillings; and to John Brewer, the Sum of One Hundred and seventy-one Pounds seven Shillings and six Pence; and to John Smart, the Sum of One Hundred and seventy-one Pounds one Shilling; and to Jacob Dennet, the Sum of Twenty-two Pounds ten Shillings. It is further

*Resolved*, That the said Joseph Harding make Application to the Commissary General of this State, who is hereby directed to deliver a sufficient Quantity of Rations to the said Joseph Harding to support him and his Men on their return Home, he giving proper Receipts for the same. [*Passed September 22.*]

## CHAPTER 307.

RESOLVE VALIDATING EVERY PROCESS, WRIT AND PRECEPT SERVED OR EXECUTED BY ELISHA WHITE, CORONER FOR WORCESTER COUNTY, PROVIDED THAT HE SHALL GIVE BONDS FURTHER CONDITIONED TO COVER PREVIOUS SERVICE OR FAILURE.

Legislative  
Records of the  
Council,  
xxxix., 498.  
Mass.  
Archives,  
ccxxiv., 64.  
Mass.  
Resolves,  
Sept. Session,  
chap. 62.  
Mass.  
Archives,  
ccxxiv., 63.

ON THE PETITION of Elisha White, a Coroner in and for the County of Worcester, praying that the Service of Writs and Processes by him already made, may be rendered valid:

*Resolved*, That every Process, Writ and Precept by said Elisha White served or executed as a Coroner of said County, be and hereby is held and made valid and effectual in Law, provided the said Elisha White by the End of the next Sessions of the Court of General Sessions of the Peace for the said County of Worcester shall give Bonds as by Law is directed in case of Coroners serving any Process or Writ, and that said Bonds be further conditioned that said White shall answer for any Service or Failure by him hitherto made, in the same Manner as he should have done had said Bonds been given previous to such Service or Failure. [*Passed September 22.*]



## CHAPTER 308.

RESOLVE FOR SUPPLYING THE OFFICERS OF PATTERSON'S BRIGADE WITH CLOTHING, THE RESOLVE FOR SUPPLYING THE OFFICERS OF GLOVER'S BRIGADE NOTWITHSTANDING.

ON THE PETITION of the Officers in Brig. Gen. [John]<sup>1</sup> Patterson's Brigade:

*Resolved*, That the Board of War be directed immediately to deliver to Capt. Samuel King, Capt. John Francis, and John Wingate, Surgeon, the Articles of Cloathing, viz. Hats, loose Coats, Hose, Shoes and Shirts, for the Officers of said Brigade, agreeable to a Resolve of this Court of the 20th of this Instant September; the Resolve for supplying the Officers of General [John]<sup>2</sup> Glover's Brigade notwithstanding. [*Passed September 22.*]

Legislative  
Records of the  
Council,  
xxxix., 498.  
Mass.  
Archives,  
ccxiv., 58.  
Mass.  
Resolves,  
Sept. Session,  
chap. 59.  
*Ante*, p. 144,  
chap. 293.

## CHAPTER 309.

RESOLVE GRANTING £300 EACH TO CAPT. NATHANIEL CUSHING AND CAPT. ABRAHAM HUNT.

*Resolved*, That the Treasurer be and he is hereby directed to make out and deliver to Capt. Nathaniel Cushing and Capt. Abraham Hunt each a Note or Notes to the Amount of Three Hundred Pounds to each Captain, which Sum shall be charged to their respective Accounts: And the State shall be credited therefor in the final Adjustment which is to be made pursuant to a Resolve of the General Assembly of February 6th, 1779. [*Passed September 23.*]

Legislative  
Records of the  
Council,  
xxxix., 499.  
Mass.  
Archives,  
ccxiv., 81.  
Mass.  
Resolves,  
Sept. Session,  
chap. 66.  
Mass.  
Archives,  
ccxiv., 78.  
Province  
Laws, xx., 587,  
chap. 446.

## CHAPTER 310.

RESOLVE PUTTING CAPT. THOMAS ALEXANDER, NOW A CRIPPLE, UPON THE LIST OF PENSIONERS OF THE UNITED STATES.

*Resolved*, That Capt. Thomas Alexander of Northfield, in the County of Hampshire, who received a Fall which dislocated his Hip-Bone in 1778, while in the Service of the United States, by which Means he is now a Cripple, be put upon the List of Pensioners of the said States. [*Passed September 23.*]

Legislative  
Records of the  
Council,  
xxxix., 499.  
Mass.  
Archives,  
ccxiv., 73.  
Mass.  
Resolves,  
Sept. Session,  
chap. 67.  
Mass.  
Archives,  
ccxiv., 74-76.

## CHAPTER 311.

RESOLVE GRANTING DANIEL MITCHELL ALL AND EVERY ARTICLE AND CLAUSE IN THE CHARTER PARTY OF THE SLOOP DEFIANCE, THE LOSS OF HIS CHARTER PARTY NOTWITHSTANDING, AND DIRECTING THE BOARD OF WAR TO GIVE HIM AN ATTESTED COPY OF THE CHARTER PARTY NOW IN THE WAR OFFICE.

ON THE MEMORIAL of Daniel Mitchell of North-Yarmouth, in the County of Cumberland setting forth therein that he entered the Sloop Defiance as a Transport Vessel in the Expedition to Majorbagaduce, by Charter Party with the Board of War, that he lost his Charter Party in the Retreat, and praying that his Interest may be secured to him:

Legislative  
Records of the  
Council,  
xxxix., 499.  
Mass.  
Archives,  
ccxiv., 68.  
Mass.  
Resolves,

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xi., 1025.

<sup>2</sup> *Ante*, p. 144, chap. 293.



Sept. Session,  
chap. 65.

Mass.  
Archives,  
cxlii., 165;  
ccxxiv., 69, 70.  
*Ante*, p. 93,  
chap. 179.

*Resolved*, That the aforesaid Daniel Mitchell shall be intitled to all and every Article and Clause set forth in the Charter Party of the Sloop Defiance, by him signed to the Board of War, which relates to the Security of his Interest, and the Men that did belong to said Vessel, the Loss of his Charter Party notwithstanding: And the Board of War are hereby directed to give the said Daniel Mitchell an attested Copy of the aforesaid Charter Party now in the War-Office. [*Passed September 25.*]

## CHAPTER 312.

RESOLVES APPOINTING CALEB DAVIS AND OTHERS COMMITTEES TO SELL THE CONFISCATED ESTATES OF THOMAS OLIVER AND OTHERS AT PUBLIC AUCTION, EXCEPT THE UNIMPROVED LANDS IN HAMPSHIRE, BERKSHIRE, CUMBERLAND AND YORK COUNTIES.

Legislative  
Records of the  
Council,  
xxxix., 501.  
Mass.  
Archives,  
ccxxiv., 71.  
Mass.  
Resolves,  
Sept. Session,  
chap. 70.

*Resolved*, That the Estates late belonging to Thomas Oliver, John Erving, jun., George Erving, James Beautineau, William Brown, Timothy Ruggles, Sir William Pepperell, John Murray, Benjamin Hallowell, Robert Auchmuty, Harrison Gray, Peter Oliver, Thomas Flucker, Foster Hutchinson, Richard Lechmere, Josiah Edson, Nathaniel Ray Thomas, Abijah Willard, Daniel Leonard, William Birch, Henry Hulton, Charles Paxton, Jonathan Sewall, and Samuel Quincy, Esquires, the Estate of Thomas Hutchinson, Esq., late Governor of the State of Massachusetts-Bay; which Estates are already confiscated to the Use of this State, be immediately sold at public Auction by the Committees herein after appointed for that Purpose, and that the same Committees be and they are hereby impowered and directed to make and execute good and sufficient Deeds of the same to the Purchasers, or those Persons who shall appear to give the highest Sum for them respectively, warranting the same in the Name of this State to such Purchasers, upon their paying into the Hands of the said Committees the Sum which they have bidden for such Estate respectively; which Monies said Committees shall pay into the Treasury, taking duplicate Receipts, one of which to be lodged in the Secretary's Office. Also

*Resolved*, That Caleb Davis, Richard Cranch and Ebenezer Wales, Esquires, or either two of them, for the County of Suffolk, Capt. Samuel Ward, Col. Israel Hutchinson and John Cushing, Esq., or either two of them, for the County of Essex, the Hon. James Prescott, Esq., Col. Samuel Thatcher and Maj. Joseph Hosmer, or either two of them, for the County of Middlesex, John Turner, Esq., Oakes Angier, Esq., and Mr. Samuel Oakman, or either two of them, for the County of Plymouth, Capt. William Page, Col. Joseph Reed and John Fessenden, Esq., or either two of them, for the County of Worcester, John Lewis, Esq., Col. Edmund Phinney and Capt. Isaac Snow, or either two of them, for the County of Cumberland, George Godfrey, Esq., Ephraim Starkweather, Esq., and Mr. Nathaniel Morton, or either two of them, for the County of Bristol, Col. Edward Grow, Col. Thomas Cutt and Capt. Joshua Bragdon, or either two of them, for the County of York, Col. William Williams, Col. John Ashley, jun., and Col. Caleb Hyde, or either two of them, for the County of Berkshire, Capt. Elijah Hunt, John Curtland, Esq., and Capt. Benjamin Bonney, or either two of them, for the County of Hampshire, Solomon Freeman, Esq., Capt. Jonathan Howes and Maj. Joseph Dimmuck, or either two of them, for the County of Barnstable, be and they are hereby appointed Committees to



make Sale of all the Estates that did belong to the Persons above-mentioned, lying and being within their respective Counties, and which is now the Property of this State, excepting the unimproved Lands in the Counties of Hampshire, Berkshire, Cumberland and York. And said Committees shall give proper Notice in the Boston, Essex and Worcester News-Papers, and such other Notice as they judge proper, of the Time and Place when such Sales are to be had, at least three Weeks preceeding such Sale.

Provided nevertheless, where it shall appear to either of said Committees that it is necessary to suspend the Sale of either of the before-mentioned Estates, or any Part of them, in such Case they are hereby authorized to suspend such Sale until the further Order of the General Court, and report to this Court, as soon as may be, the Reasons of such Suspension. [*Passed September 23.*]

## CHAPTER 313.

RESOLVE APPOINTING RICHARD CRANCH, ESQ., TO PROCURE WOOD FOR THE GARRISONS IN BOSTON HARBOR.

*Resolved*, That Richard Cranch, Esq., appointed to proceed to Braintree, Weymouth, &c. to procure a Quantity of Wood, not exceeding sixty Cords, for the present Supply of the Garrisons in this Harbour, be and hereby is authorized to impress Wood for the Purpose aforesaid, in case he cannot obtain it on reasonable Terms without. [*Passed September 23.*]

Legislative  
Records of the  
Council,  
xxxix., 503.  
Mass.  
Archives,  
ccxxiv., 77.  
Mass.  
Resolves,  
Sept. Session,  
chap. 69.

## CHAPTER 314.

RESOLVE APPOINTING A COMMITTEE TO CONSIDER ERECTING A NEW TOWN OUT OF PARTS OF CHELMSFORD, CONCORD, ACTON AND BILLERICA.

In the House of Representatives

The Committee appointed to consider the Petition of a Number of the Inhabitants of Chelmsford, Concord, Acton and Billerica praying that they may be made a Town, District or Parish, have attended that Service and are of Opinion that the Prayer of the Petition be so far granted that there be a Committee sent by this Court upon the Cost of the Petitioners and beg leave to report the following Resolve:

*Resolved*, That Mr. [Jonathan] Metcalf of Dedham and Mr. [Edward] Davis of Dudley with such as the Honorable Board shall join be and they hereby are appointed a Committee to repair to Chelmsford, Concord, Acton and Billerica and view the Situation of these Places, and hear the Parties on the subject Matter of said Petition, and report to this Court what is proper to be done thereon.

In Council

Read and Concurred and Aaron Wood, Esq., is joined for the Purpose above mentioned. [*Passed September 23.*]

Mass.  
Archives,  
ccxxvi., 165.  
Mass.  
Resolves,  
Sept. Session,  
chap. 68.  
Mass.  
Archives,  
ccxxvi., 157-102.



## CHAPTER 315.

Legislative  
Records of the  
Council,  
xxxix., 505.  
Mass.  
Archives,  
ccxiv., 93.  
Mass.  
Resolves,  
Sept. Session,  
chap. 74.  
Mass.  
Archives,  
ccxiv., 94, 95;  
ccxxxv., 43.  
*Ante*, p. 45,  
chap. 78.

RESOLVE GRANTING £706. 14s. TO DR. IVORY HOVEY FOR EXPENSES AS ONE OF THE COMMITTEE IN LINCOLN COUNTY.

*Resolved*, That the Sum of Seven Hundred and six Pounds fourteen Shillings be paid out of the public Treasury of this State to Dr. Ivory Hovey, in full Satisfaction of all Demands which he may have against this Government, for Expences of Time, Travel, and as one of the Committee in the County of Lincoln, of which Samuel Jordan, Esq., was Chairman, by reason of the Seizure and Detention of the Sloop Advance or otherwise. [*Passed September 24.*]

## CHAPTER 316.

RESOLVE DIRECTING THE BOARD OF WAR TO SEND THE BRIGANTINE RISING EMPIRE TO THE EASTWARD FOR WOOD, UNTIL FURTHER ORDER.

Legislative  
Records of the  
Council,  
xxxix., 505.  
Mass.  
Archives,  
ccxiv., 82.  
Mass.  
Resolves,  
Sept. Session,  
chap. 71.  
Mass.  
Archives,  
cxlii., 166;  
ccxiv., 83.

ON THE MEMORIAL of Dr. Joseph Gardner, praying for a supply of Wood for the Hospital under his Care:

*Resolved*, That the Board of War be and they hereby are directed to send the Brig: Rising Empire, now in this Harbour, as soon as possible to Kennebeck River, or any other Part of the Eastward they may think proper, to purchase Wood for this State, and to continue said Brig: in that Service till the further Orders of this Court, or the Council in the Recess of the same; and the Board of War are hereby directed to supply the Master of said Brig: from time to time with Money, or such Articles as they may think proper, to purchase the Wood. [*Passed September 24.*]

## CHAPTER 317.

RESOLVES GRANTING £4,000 TO COL. THOMAS AND DIRECTING THE COMMISSARY GENERAL TO DELIVER HIM 15,000 WEIGHT OF BREAD AND 120 GALLONS OF NEW ENGLAND RUM FOR SUPPLYING THE TROOPS AT CAMDEN.

Legislative  
Records of the  
Council,  
xxxix., 506.  
Mass.  
Archives,  
ccxiv., 87.  
Mass.  
Resolves,  
Sept. Session,  
chap. 75.

THE COMMITTEE appointed to consider what Steps are proper to be taken on the Letter received from Brig. Gen. [Charles]<sup>1</sup> Cushing, representing that Col. Waterman Thomas has advanced large Sums of Money to procure Provisions, &c. for the Troops at the Eastward, and the Necessity there is of supplying him with Money to procure Provisions for the Soldiers now doing Duty at Camden, and also that he be supplied with a Quantity of Bread and Rum for said Troops, beg Leave to report by way of Resolve:

*Resolved*, That there be paid out of the public Treasury of this State to Col. Waterman Thomas the Sum of Four Thousand Pounds, he giving his Receipt to be accountable to the State for the same. Also

*Resolved*, That the Commissary-General be and he is hereby directed to deliver to said Col. Thomas, or his Order, Fifteen Thousand Weight of Bread and One Hundred and twenty Gallons of New-England Rum, for the Use of the Troops now doing Duty at Camden, he to be accountable for the same. [*Passed September 24.*]

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, iv., 286.



## CHAPTER 318.

## VOTE CHOOSING THE FIELD OFFICERS OF THE 5TH REGIMENT IN WORCESTER COUNTY.

In the House of Representatives

The House, by Ballot, made Choice of the following Gentlemen as Field Officers of the fifth Regiment of Militia in the County of Worcester, viz.

Jacob Davis . . . . .	Colonel
Timothy Newell . . . . .	Lieutenant Colonel
Nathaniel Healy . . . . .	First Major
Benjamin Woodbury . . . . .	Second Major

Legislative  
Records of the  
Council,  
xxxix., 507.  
Mass.  
Archives,  
ccxiv., 86.  
Mass.  
Resolves,  
Sept. Session,  
chap. 80.

In Council

Read and Concurred. [*Passed September 24.*]

## CHAPTER 319.

## RESOLVE FOR MAKING PARTITION OF LAND IN BEVERLY HELD AS TENANT IN COMMON BY ABIJAH WILLARD, LATE OF LANCASTER, ABSENTEE.

WHEREAS it appears to this Court that Abijah Willard, late of Lancaster, in the County of Worcester, Esq., now an Absentee, whose Estate is declared confiscated to this State by the Laws thereof, was seized as Tenant in common with some other Person of two Farms and Tenements thereon, lying in Beverly, in the County of Essex, and it being necessary that Partition should be made between the State and the other Proprietor of the Farms and Tenements aforesaid: It is therefore

*Resolved*, That the Agent on said Willard's Estate be and he is hereby directed forthwith to take such Steps in the Law as may be necessary to effect the Partition aforesaid, and render to this Court an Account of his Proceedings thereon without Delay. Provided that the Parts of said Farms and Tenements which by virtue of this Resolve may be set off to said Willard's Estate, shall be still liable and subject to all Mortgages thereon, if any such there be, in as full and ample Manner as his Interest in said Farms and Tenements would have been in case no Partition thereof had been made. [*Passed September 24.*]

Legislative  
Records of the  
Council,  
xxxix., 507.  
Mass.  
Archives,  
ccxiv., 88.  
Mass.  
Resolves,  
Sept. Session,  
chap. 73.  
*Ante*, p. 152,  
chap. 312.

## CHAPTER 320.

## RESOLVE ENTITLING CAPT. THOMAS ALEXANDER, CRIPPLED IN THE SERVICE OF THE UNITED STATES, HALF PAY FROM JAN. 1, 1778.

*Resolved*, That Capt. Thomas Alexander is intitled to Half-Pay, as a Captain, from January 1, 1778, in consequence of a Fall received, which dislocated his Hip-Bone, when in the Service of the United States, and by which means he is now a Cripple. [*Passed September 24.*]

Legislative  
Records of the  
Council,  
xxxix., 508.  
Mass.  
Archives,  
ccxiv., 96.  
Mass.  
Resolves,  
Sept. Session,  
chap. 77.  
*Ante*, p. 151,  
chap. 310.



## CHAPTER 321.

RESOLVE FOR REMOVING JOHN WHITE FROM THE GAOL HOUSE IN BOSTON INTO ONE OF THE PRISON KEEPER'S ROOMS UNTIL THE NEXT CARTEL SHALL SAIL FOR NEW YORK.

Legislative  
Records of the  
Council,  
xxxix., 508.  
Mass.  
Archives,  
ccxiv., 89.  
Mass.  
Resolves,  
Sept. Session,  
chap. 78.

ON THE PETITION of John White, now in the Gaol in Boston, praying for Reasons set forth in said Petition, that he may be removed from the Gaol-House into one of the Prison-Keeper's Rooms, there to remain till the next Cartel shall sail for New-York:

*Resolved*, That the Prayer of the Petition be granted, said White giving sufficient Bonds to the Gaol-Keeper that he will not leave said House, and will be forthcoming when called for. [*Passed September 24.*]

Mass.  
Archives,  
ccxiv., 90.

## CHAPTER 322.

VOTE CHOOSING THE FIRST AND SECOND MAJORS OF THE 3<sup>d</sup> REGIMENT IN BRISTOL COUNTY.

Legislative  
Records of the  
Council,  
xxxix., 509.  
Mass.  
Archives,  
ccxiv., 92.  
Mass.  
Resolves,  
Sept. Session,  
chap. 79.

In the House of Representatives

The House, by Ballot, made choice of Robert Crosman, jun., as First Major, and Jonathan Shaw, as Second Major of the third Regiment of Militia in the County of Bristol.

In Council

Read and Concurred. [*Passed September 24.*]

## CHAPTER 323.

RESOLVES PUTTING LIEUT. OSGOOD CARLETON AND OTHER OFFICERS OF THE CORPS OF INVALIDS UPON THE SAME FOOTING AS THOSE OF THE FIFTEEN BATTALIONS.

Legislative  
Records of the  
Council,  
xxxix., 509.  
Mass.  
Archives,  
ccxiv., 97.  
Mass.  
Resolves,  
Sept. Session,  
chap. 76.

ON THE PETITION of Osgood Carleton, a Lieutenant in the Continental Service in the Corps of Invalids, praying for Cloathing for the Year 1778, that he may be upon an equal Footing with other Continental Officers:

*Resolved*, That the Prayer of the Petition be granted, and that the Board of War be and hereby are directed to furnish the said Osgood Carleton with Cloathing, upon the same Footing the Continental Officers belonging to this State were supplied by said Board of War in the Year 1778. And it is further

Mass.  
Archives,  
ccxiv., 98.  
Province  
Laws, xx., 415,  
chap. 1078; 545,  
chap. 322.

*Resolved*, That all Officers, non-commissioned Officers and Soldiers belonging to this State and in the Corps of Invalids shall be intitled to receive the same Privileges and Gratuities as the Officers, non-commissioned Officers and Soldiers of the fifteen Battalions belonging to this State are intitled to; and the Committee appointed to provide small Stores for the fifteen Battalions are directed to supply the Corps of Invalids in the same Proportion as the other Corps of this State are supplied. [*Passed September 24.*<sup>1</sup>]

<sup>1</sup> This date is September 24 according to Massachusetts Resolves.



## CHAPTER 324.

RESOLVE DIRECTING THE EXECUTOR OF JAMES BARRETT, ESQ., LATE OF CONCORD, TO DELIVER CLOTHING TO MAJ. HOSMER, AGENT FOR MIDDLESEX COUNTY.

WHEREAS it is represented to this Court that there is in the Hands of the Executor of James Barrett, Esq., late of Concord, deceased, a Quantity of Shirts, Shoes and Stockings, belonging to this State:

*Resolved*, That the Executor aforesaid be and he hereby is directed to deliver the whole of said Cloathing to Maj. Joseph Hosmer, Agent for the County of Middlesex, taking duplicate Receipts for the same, one of which he shall lodge in the Secretary's Office. [*Passed September 25.*<sup>1</sup>

Legislative  
Records of the  
Council,  
xxxix., 510.  
Mass.  
Archives,  
ccxiv., 101.  
Mass.  
Resolves,  
Sept. Session,  
chap. 72.

## CHAPTER 325.

RESOLVE DIRECTING THE SHERIFF OF HAMPSHIRE COUNTY TO APPREHEND DESERTERS FROM THE CONTINENTAL ARMY AT MURRAYFIELD AND ADJACENT TOWNS, AND DELIVER THEM TO MAJ. THOMAS EDWARDS AT RUTLAND TO BE CONVEYED TO THEIR REGIMENTS.

THE COMMITTEE of both Houses appointed upon the representation of Maj. Thomas Edwards, Commanding-Officer at Rutland have attended that Service; ask leave to report the following Resolve.

which is Submitted.

MOSES GILL per Order.

Whereas it has been represented to this Court by Major Thomas Edwards, Commanding-Officer at Rutland, that there are a Number of Deserters from the Continental Army now at Murrayfield, in the County of Hampshire, who refuse to join their respective Corps: Therefore

*Resolved*, That Elisha Porter, Esq., Sheriff of the County of Hampshire, be and he hereby is directed immediately to repair to Murrayfield, in the said County of Hampshire, there to apprehend and secure any Persons, Soldiers in the Continental Army, which may be found in said Town of Murrayfield, or any of the adjacent Towns in said County, not having Leave of Absence from their Commanding-Officer, and having so secured them, to march them forthwith to Rutland, in the County of Worcester, under such a Guard as he may judge proper, and there deliver them over to the said Thomas Edwards, to be by him conveyed to their respective Regiments.

Read and Accepted. [*Passed September 25.*

Legislative  
Records of the  
Council,  
xxxix., 510.  
Mass.  
Archives,  
ccxiv., 100.  
Mass.  
Resolves,  
Sept. Session,  
chap. 81.

Mass.  
Archives,  
ccxiv., 99-100a.

<sup>1</sup> This date is September 24 according to Massachusetts Resolves.



## CHAPTER 326.

RESOLVES FOR DETACHING 68 MEN AND 3 OFFICERS FROM THE MILITIA OF BARNSTABLE, FOR THE DEFENCE OF FALMOUTH AND THE ADJACENT SHORES, AND PROVIDING SUBSISTENCE FOR THEM.

Legislative  
Records of the  
Council,  
xxxix., 511.  
Mass.  
Archives,  
ccxiv., 115.  
Mass.  
Resolves,  
Sept. Session,  
chap. 87.

Province  
Laws, xx.,  
656, chap. 620.

WHEREAS the Town of Falmouth and the Shores adjacent, on the Vineyard Sound, are greatly exposed to the Ravages of the Enemy's Fleet of armed Vessels now in said Sound; and it hath been represented to this Court that some of the Militia in the Towns adjacent have refused or neglected to comply with their Duty when ordered to the said Town of Falmouth as Guards to said Shores; and it appearing necessary that sufficient Guards should be kept at Falmouth during the continuance of said Fleet in the Sound: Therefore

*Resolved*, That the Brigadier of the County of Barnstable be and he hereby is directed to detach or cause to be detached from the Militia in the said County (excluding the Towns of Falmouth, Wellfleet, Truro and Province-Town) sixty-eight able-bodied Men, to be detached either from the Training-Band or Alarm Lift indiscriminately, and cause them to march immediately to Falmouth aforesaid, there to do Duty for the Term of one Month, unless sooner discharged; and also to detach from the Militia aforesaid one Captain and two Lieutenants to command them.

*Resolved*, That in case any Officer shall refuse or neglect, for the Space of eight and forty Hours after receiving Orders therefor, to detach the Men required of him to detach and to make Returns thereof to the Brigadier aforesaid, he shall forfeit and pay a Fine of Thirty Pounds, to be recovered by Action of Debt in any Court proper to try the same, by any Person who shall prosecute or sue for the same, one Third Part of said Fine to be to the Use of the Prosecutor, who, if Judgment is given against the Defendant, shall have his legal Costs allowed him, and the other two Thirds shall be paid to Jabez Meigs, the Commissary appointed to supply the Troops stationed at Falmouth, to enable him to supply said Troops, he to be accountable to the General Assembly of this State for all such Sums as he shall receive, and the Sheriff or Officer who shall pay any such Fines to the said Jabez Meigs shall take duplicate Receipts for the same, one of which to be immediately lodged with the Secretary of this State.

And in case any Officer detached as aforesaid shall refuse or neglect, within twelve Hours after he is detached, to march to Falmouth aforesaid, equipt as the Law directs, or shall leave his Post there before the Expiration of the Term aforesaid, or until regularly discharged by Order of this Court, or in the Recess by the Council, he shall, besides being liable to be removed from Office by a Court Martial, agreeable to the Militia Laws of this State, forfeit and pay a Fine of Thirty Pounds, to be recovered and disposed of in the same Manner as in the last preceeding Paragraph. And in case any non-commissioned officer or private Soldier shall neglect or refuse to march to Falmouth, equipt as the Law directs, within twelve Hours after being so detached, or shall leave the Service there before the Term aforesaid is expired, or before he shall be regularly dismissed by Order of this Court, or in the Recess thereof by the Council, shall forfeit and pay a Fine of Twenty Pounds, to be recovered and disposed of in the same Manner as the other Fines mentioned in this Resolve. Provided, that the Fines herein mentioned shall not exempt such



Officers or Soldiers who shall leave the Service as aforesaid from being treated or punished as Deserters.

*Resolved*, That the Troops aforesaid shall be under the Direction of the Field-Officers of the first Regiment in said County, and liable to do Duty in any Place along the Shores of the Vineyard Sound or Buzzard's-Bay, as Occasion may require.

*Resolved*, That the Troops aforesaid shall be allowed and paid out of the Treasury of this State the same Wages, Subsistence and Mileage as was provided by a Resolve of this Court for the Militia when ordered out upon an Alarm.

*Resolved*, That the Selectmen of the several Towns from which the Men aforesaid may be detached be and they are hereby directed to forward to Commissary Meigs a sufficient Quantity of Bread and Meat to subsist those who are detached from their Towns respectively, unless the Commissary can otherwise supply them, taking the said Commissary's duplicate Receipts for the same, one of which to be lodged with the Secretary of this State; and such Selectmen are directed to lay their Accounts of such Provisions and Expence of Transportation before the Committee of Accounts for Allowance and Payment.

*Resolved* also, That the aforesaid Jabez Meigs be and he is hereby directed to supply the Troops aforesaid, as well as those he was appointed Commissary for. [*Passed September 27.*]

## CHAPTER 327.

ORDER PERMITTING ANN POMEROY AND HER CHILD, LATELY OF KEENE, N. H., TO GO TO HER HUSBAND JOSIAH POMEROY, AN ABSENTEE AT LONG ISLAND.

ON THE PETITION of Ann Pomeroy, Wife to Josiah Pomeroy, lately of Keene, in the County of Cheshire, in the State of New-Hampshire, now resident at Hatfield, in the County of Hampshire and State of Massachusetts-Bay, praying for Permission to depart this State, and to repair with her Child to Long-Island to her said Husband, an Absentee: Therefore

*Ordered*, That the Prayer of this Petition be granted, and that she the said Ann Pomeroy be and hereby is permitted to depart this State with her Child, and not to return again; and his Excellency Gov. [Jonathan]<sup>1</sup> Trumbull, or the Commanding-Officer of the Troops of the United States where she may embark, is requested to grant a Pass to the said Ann Pomeroy with her Child for the Purpose aforesaid. [*Passed September 27.*]

Legislative  
Records of the  
Council,  
xxxix., 514.  
Mass.  
Archives,  
ccxxiv., 139.  
Mass.  
Resolves,  
Sept. Session,  
chap. 89.  
Mass.  
Archives,  
ccxxiv., 138.

## CHAPTER 328.

RESOLVES DIRECTING THE TREASURER TO SEND OUT HIS EXECUTIONS AGAINST DELINQUENT COLLECTORS OF TAXES ON NOVEMBER 1<sup>ST</sup>, AND THE SECRETARY TO PUBLISH THE SAME IN THE BOSTON, ESSEX AND WORCESTER PAPERS.

*Resolved*, That the Treasurer of this State be and he is hereby directed to send out his Executions against all the Collectors of Taxes, who shall be deficient on the 1<sup>st</sup> Day of November next, in any of the Taxes now granted previous to the last: And it is further

*Resolved*, That the Treasurer aforesaid be directed, and he is

Legislative  
Records of the  
Council,  
xxxix., 515.  
Mass.  
Archives,  
ccxxiv., 137.  
Mass.  
Resolves,  
Sept. Session,  
chap. 88.

<sup>1</sup> Connecticut State Register and Manual.



hereby accordingly directed to make Provision in the Executions he shall so deliver to the Sheriffs, that the same be returnable to him in thirty Days after the Date thereof; and the Sheriffs to whom any Executions may be delivered in Consequence of this Resolve, are hereby required to govern themselves accordingly. And be it further

*Resolved*, That the Secretary be and he is hereby accordingly directed to cause the foregoing Resolve to be published in the Boston Thursday's News-Papers, and in the Essex and Worcester Papers as soon as possible. [*Passed September 27.*]

## CHAPTER 329.

RESOLVE STAYING THE PROCEEDINGS ON AN INDICTMENT AGAINST THE COMMITTEE OF INSPECTION, ETC., OF MIDDLEBOROUGH FOR THEIR PROCEEDING AGAINST LEMUEL RANSOM.

Legislative  
Records of the  
Council,  
xxxix., 515.  
Mass.  
Archives,  
ccxxiv., 133.  
Mass.  
Resolves,  
Sept. Session,  
chap. 82.

ON THE PETITIONS of the Committee of Inspection, &c. and the Petition of the Selectmen of the Town of Middleborough, praying that all further Process on an Indictment found by the Grand Jurors of the County of Plymouth against the said Committee for their Proceeding against Lemuel Ransom, an Inhabitant of said Town of Middleborough, may be stayed, for the Reasons therein given:

Mass.  
Archives,  
ccxxiv., 134-136.

*Resolved*, That all Proceedings on said Indictment be and hereby are stayed till the further Order of this Court, and the Superior Court of Judicature, Court of Assize, &c. are hereby required to take Notice of this Order and stay Proceedings on said Indictment accordingly. [*Passed September 27.*]

## CHAPTER 330.

Legislative  
Records of the  
Council,  
xxxix., 516.  
Mass.  
Archives,  
ccxxiv., 131.  
Mass.  
Resolves,  
Sept. Session,  
chap. 86.

RESOLVE PERMITTING ABRAHAM TRUAX AND OTHERS TO TRANSPORT SALT, RUM, ETC., TO NEW YORK, LEAVING THEIR PERMITS AS REQUIRED BY THE EMBARGO ACT.

Mass.  
Archives,  
ccxxiv., 132.  
Province  
Laws, v., 1114,  
chap. 13.

*Resolved*, That Abraham Truax, Nathan Tefft, jun., Oliver, Rogers and Alexander Bryan be and they hereby are permitted to pass with their Teams (being a Waggon and two Horses each) with their Loading, consisting of Salt, Rum and some small Articles, out of the State, into the State of New-York, taking care to leave their Permits as provided by the Embargo-Act. [*Passed September 27.*]

## CHAPTER 331.

RESOLVES DIRECTING THE BOARD OF WAR TO FURNISH THE TWO PENOBSCOT INDIANS, NOW IN TOWN, WITH CLOTHES AND GUNS; TO ESTABLISH A TRUCK HOUSE AT FORT HALIFAX, APPOINTING COL. BREWER TRUCK MASTER AT £60 PER MONTH, AND SUPPLYING HIM WITH NECESSARY ARTICLES.

Legislative  
Records of the  
Council,  
xxxix., 516.  
Mass.  
Archives,  
cxliv., 432.  
Mass.  
Resolves,

*Resolved*, That the Board of War be and they are hereby directed to furnish each of the two Indians now in the Town of Boston, belonging to the Penobscot Tribe, with a Suit of Cloaths and a Gun, and that the Board of War be and hereby are im-powered and directed to cause either a Truck-House to be erected,



or some other Building suitable for the purpose of a Truck-House to be hired or taken up for the Term of one Year, at or near Fort Halifax or the Entrance of Sebastacook River, and that they employ some suitable Person to accomplish this Business; that Col. Josiah Brewer be appointed Truckmaster at said Truck-House for the Term of one Year, who shall be furnished by the Commissary General of this State with the several Articles mentioned in the Schedule accompanying this Resolve, or so many of them as can be procured; he the said Truckmaster giving the Commissary General his Receipt for the same. And it is further

Sept. Session,  
chap. 85.  
Mass.  
Archives,  
cxliv., 431.

*Resolved*, That the aforesaid Truckmaster shall give his Bond with two sufficient Sureties to the Treasurer of this State for the Sum of Five Thousand Pounds, conditioned that none of the Supplies for the aforesaid Truck-House shall be sold at any other Place but the Truck-House, nor to any other Person or Persons but to the Indians; that there shall be no more Advance put on the Articles sold to the Indians than the Cost of Transportation; that all the Skins and Furs of every kind that he shall purchase of the Indians shall be sent to the Commissary General of this State, accompanied with a fair and true Account of Particulars, what he gave the Indians for the same, at the End of six Months, and in like manner at the End of twelve Months, and shall complete and settle his Accounts as Truckmaster with the Commissary at the End of said twelve Months. And it is further

*Resolved*, That said Truckmaster shall have Sixty Pounds per Month, for the first six Months, for his Service; and the Commissary General is directed to lodge an attested Copy of the aforesaid Account, delivered him by the Truckmaster, into the Secretary's Office, and dispose of the Skins and Furs he shall receive from the said Truckmaster agreeable to the future Orders of the General Court. [*Passed September 27.*]

A SCHEDULE FOR SUPPLIES FOR A TRUCK-HOUSE.

Viz.	6 Dozen Blankets,	6 Dozen Steels,		3 Dozen of Brass or
	6 Pieces Stroud,	10 Dozen large	Jack-	Tin Kettles,
	4 Pieces Baize,	Knives,		5 Dozen Tin Measures,
	1 Piece blue Broad	20 Pieces Ribbons,		20 Dozen Fish Hooks,
	Cloth,	15 Pieces Binding,		1000 Sewing Needles,
	10 Barrels Pork,	3 Pieces Calico,		200 lb. Gun Powder,
	5 Barrels Flour,	20 lb. of Thread,		300 lb. of Shot,
100 Bushels	Indian	4 Dozen Scissars,		200 lb. of Balls,
	Corn,	1 Hogshead Tobacco,		300 lb. of Cheese,
	10 Pieces Coarse	1 Box of Pipes,		5 Dozen Combs,
	Linen,	5 Dozen Hatchets,		5 Dozen Jews-Harps,
	1 Hogshead Mo-	6 Dozen Silk and	Linen	2 Barrels Sugar,
	lasses,	Handkerchiefs,		5 Hundred Wt. Bread,
	2 Ditto Rum,			6 Pounds Vermilion.

CHAPTER 332.

RESOLVE PERMITTING HENRY LIVINGSTON TO LOAD BACK THE TEAMS, WHICH TRANSPORTED IRON FROM NEW YORK WITH SUGAR, RUM, SALT, MOLASSES, ETC., ON CONDITION THAT WITHIN SIX MONTHS HE IMPORTS FLOUR AND IRON TO MAKE UP THEIR VALUE.

ON THE PETITION of Henry Livingston:

*Resolved*, That the Prayer of the Petition be so far granted that the Petitioner be and he hereby is permitted to load back to the State of New-York the Teams which transported the six Tons of Iron, mentioned in the Petition, into this State, with Sugar, Rum, Salt, Molasses, &c. And the Board of War are hereby directed to give him a Pass accordingly, provided he gives the said Board

Legislative  
Records of the  
Council,  
xxxix., 518.  
Mass.  
Archives,  
cexxiv., 129.  
Mass.  
Resolves,  
Sept. Session,  
chap. 83.



Mass.  
Archives,  
cxxxiv.,  
127-130a;  
celxxxv., 47.

of War his Obligation to import into this State within six Months from this Time as much Flour or Iron, as together with the Iron he has already imported, will amount to the Value of the Goods he may export in pursuance of this Resolve. [*Passed September 27.*]

## CHAPTER 333.

RESOLVE ADVANCING £600 TO SAMUEL RUGGLES, STATE CLOTHIER, AND FURNISHING HIM WITH A HORSE.

Legislative  
Records of the  
Council,  
xxxix., 519.  
Mass.  
Archives,  
cxxxiv., 123.  
Mass.  
Resolves,  
Sept. Session,  
chap. 84.

*Resolved*, That there be allowed and paid out of the public Treasury of this State to Samuel Ruggles, Esq., Cloathier of this State, the Sum of Six Hundred Pounds, to enable him to execute the Business for which he has been appointed, he to be accountable for the same, and the Board of War are hereby directed to furnish the said Samuel Ruggles, Esq., with a suitable Horse for the Purpose aforesaid. [*Passed September 27.*]

Mass.  
Archives,  
cxxxiv., 124;  
celxxxv., 43.  
*Ante*, p. 139,  
chap. 281.

## CHAPTER 334.

RESOLVE PERMITTING SAMUEL CLEVELAND AND OTHERS TO TRANSPORT RUM, CHERRY RUM, ETC., TO CONNECTICUT, THEY HAVING BROUGHT INTO THIS STATE GRAIN AND FLOUR OF EQUAL VALUE.

Legislative  
Records of the  
Council,  
xxxix., 519.  
Mass.  
Archives,  
cxxxiv., 125.  
Mass.  
Resolves,  
Sept. Session,  
chap. 90.

*Resolved*, That Samuel Cleveland, John Hough, Andrew Manning, Simeon Bundy and Josiah Smith, be and they hereby are permitted to proceed with the respective Articles laden in the respective Team drove by each of them, to the State of Connecticut, any Law to the contrary notwithstanding; they having brought into this State, Grain and Flour equivalent to the Value of said Articles. The said five Teams being loaded and carrying four Hogsheads of Rum, an half Barrel and two Kegs of Cherry-Rum, five large Hogsheads of Salt, one Barrel of Ginger, fifty Weight of Tea, two Casks of Earthen-Ware and one Cask of Raisons; this Permit to be in force from the Date of this Resolve for six Days, and to be left with the Committee of the last Town of this State through which the above Teams shall pass. [*Passed September 27.*]

Mass.  
Archives,  
cxxxiv., 126.

## CHAPTER 335.

RESOLVE DIRECTING THE ATTORNEY GENERAL TO BRING FORWARD ACTIONS AGAINST ESTATES OF ABSENTEES.

Legislative  
Records of the  
Council,  
xxxix., 520.  
Mass.  
Archives,  
cxxxiv., 155.  
Mass.  
Resolves,  
Sept. Session,  
chap. 92.

*Resolved*, That the Attorney General be and he hereby is directed as soon as possible to bring forward the Actions against the Estates of the several Absentees, agreeable to an Act of this State passed the present Year. [*Passed September 28.*]

Province  
Laws, v., 968,  
chap. 49.



## CHAPTER 336.

RESOLVE PERMITTING TIMOTHY HOW TO TRANSPORT SALT AND RUM TO NEW YORK WITHIN NINE DAYS, HE HAVING BROUGHT FLOUR IN EXCHANGE.

Legislative  
Records of the  
Council,  
xxxix., 521.  
Mass.  
Archives,  
ccxiv., 151.  
Mass.  
Resolves,  
Sept. Session,  
chap. 98.  
Mass.  
Archives,  
ccxiv., 152.  
Province  
Laws, v., 1114,  
chap. 13.

*Resolved*, That Timothy How [of Westmorland in Connecticut]<sup>1</sup> be and he is hereby permitted to pass to the State of New-York with his Team, being four Oxen and one Horse, loaded with Salt and Rum; he having brought Flour in exchange for said Load. Said Load containing two Casks of Salt and one Barrel of Rum; and this Resolve to be in Force nine Days and no longer, he taking Care to leave his Permit as provided in the Embargo Act. [*Passed September 28.*]

## CHAPTER 337.

RESOLVE PERMITTING ISRAEL SMITH AND OTHERS TO TRANSPORT SALT, ETC., TO VERMONT WITHIN SEVEN DAYS, THEY HAVING BROUGHT FLOUR IN EXCHANGE.

*Resolved*, That Israel Smith, Timothy Church and Oliver Nash be and they are hereby permitted to pass with their Teams, being twelve Oxen and three Horses, with two Carts and one Waggon, with their Loads of Salt, with some other small Articles, to the State of Vermont, so called, they having brought Flour to exchange for said Loading, as appears by their Receipts; they taking Care to leave their Permits as is provided in the Embargo Act. Said Loads contain seventy-three Bushels of Salt, one Barrel of Oil, six Sides of Sole Leather, with some small Articles. This Resolve to be in Force seven Days and no longer. [*Passed September 28.*]

Legislative  
Records of the  
Council,  
xxxix., 522.  
Mass.  
Archives,  
ccxiv., 149.  
Mass.  
Resolves,  
Sept. Session,  
chap. 97.  
Mass.  
Archives,  
ccxiv., 150.  
Province  
Laws, v., 1114,  
chap. 13.

## CHAPTER 338.

RESOLVE FOR PAYING THE MEMBERS OF THE COMMITTEE OF THE CONSTITUTIONAL CONVENTION AT THE SAME RATE THE COUNCIL WERE PAID THE LAST SESSION AND ALLOWING REASONABLE ACCOUNTS FOR CANDLES, ETC.

WHEREAS Representation has been made to this Court by the Committee appointed by the Convention for forming a new Constitution, that no Provision is yet made for defraying the necessary Expences of Fewel, Candles, &c. for said Committee, or paying them for their Attendance on said Business: Therefore

*Resolved*, That the said Committee make up a Roll of their Time in attending on said Business, to be signed by their Chairman: And the Treasurer of this State is hereby directed by a Warrant from the Honorable Council to pay the several Members of said Committee, at the same Rate the Members of the Honorable Council were paid the last Session of the General Court; and the Committee of Accounts are hereby authorized and directed to consider and allow such reasonable Accounts as may be laid before them by said Committee for Candles or any other necessary Expences attending the Execution of the Business committed to them. [*Passed September 28.*]

Legislative  
Records of the  
Council,  
xl., 2.  
Mass.  
Archives,  
ccxiv., 142.  
Mass.  
Resolves,  
Sept. Session,  
chap. 91.  
*Ante*, p. 70,  
chap. 135.

<sup>1</sup> Massachusetts Archives, ccxiv., 152.



## CHAPTER 339.

RESOLVE ALLOWING GEORGE GODFREY, ESQ., £31. 4s. FOR FIRE-ARMS AND EXPENSES.

Legislative  
Records of the  
Council,  
xl., 2.  
Mass.  
Resolves,  
Sept. Session,  
chap. 99.

ON THE PETITION of George Godfrey, Esq., praying for Allowance for three Fire-Arms and Expences, as set forth in his Petition:

*Resolved*, That there be allowed and paid out of the public Treasury of this State to the said George Godfrey, Esq., the Sum of Thirty-one Pounds four Shillings, in full of his Account. [*Passed September 28.*]

## CHAPTER 340.

Legislative  
Records of the  
Council,  
xl., 2.  
Mass.  
Archives,  
ccxiv., 143.  
Mass.  
Resolves,  
Sept. Session,  
chap. 95.  
Mass.  
Archives,  
ccxiv., 144.  
Province  
Laws, v., 1114,  
chap. 13.

RESOLVE PERMITTING SAMUEL WELLS TO TRANSPORT SALT, SUGAR, RUM AND CARDS TO CONNECTICUT WITHIN SIX DAYS, HE HAVING BROUGHT FLOUR AND GRAIN IN EXCHANGE.

*Resolved*, That Samuel Wells be and he is hereby permitted to pass to the State of Connecticut with his Team, being four Cattle, loaded with Salt, Sugar and Rum, he having brought Flour and Grain in exchange for said Load; said Load consisting of one Hogshead of Sugar, one Ditto of Salt, one Barrel of Rum, one Ditto of Sugar, and a small Box of Cards; and this Resolve to be in Force six Days and no longer, he taking Care to leave his Permit as provided in the Embargo Act. [*Passed September 28.*]

## CHAPTER 341.

RESOLVE SUSPENDING THE PROVISIO OF AN ACT PASSED IN 1754, AS FAR AS IT REGARDS THE TAXING OF THE PEWS IN THE NEW NORTH CHURCH IN BOSTON, FOR SEVEN YEARS.

Legislative  
Records of the  
Council,  
xl., 3.  
Mass.  
Archives,  
ccxiv., 140.  
Mass.  
Resolves,  
Sept. Session,  
chap. 94.  
Mass.  
Archives,  
ccxiv., 141.  
Province  
Laws, iii., 778,  
chap. 12.

WHEREAS in and by an Act made and passed in the Year 1754, intituled "An Act for the better securing and rendering more effectual Grants and Donations to pious and charitable Uses, and for the better Support and Maintenance of Ministers of the Gospel and defreying other Charges relating to public Worship," it is among other Things enacted, "That the Proprietors of Pews and the Persons to whom they are allotted in the several Houses for public Worship (in the Town of Boston) may, if they think fit, at a public Meeting to be called for that Purpose by the Proprietors Clerk, Deacons or Church-Wardens, and Notice thereof immediately after divine Service given ten Days at least before said Meeting, cause the several Pews in said Houses to be valued according to the Convenience and Situation thereof, and a new Estimate to be put upon said Pews from Time to Time, as shall be found necessary, and a Tax to be laid upon each Pew according to the Convenience and Situation thereof as aforesaid: Provided the said Tax shall not exceed the Sum of Two Shillings per Week on any one Pew; the Money so raised to be applied towards the Support of the Ministry and other Charges necessary for maintaining public Worship or Repairs of the House" And whereas by Reason of the Proviso aforesaid adequate Provision for the honorable and comfortable Support of a Minister of the Gospel in the New-North Church in said Town, in the present State of the Currency, cannot legally be obtained, but by the



unequal and uncertain Mode of Subscription or voluntary Contribution, to the entire Discouragement of any Person's settling in the Ministry in the said Church, and to the great Detriment of the Cause of Religion: Therefore

*Resolved*, That the Proviso aforesaid, so far as it regards the New-North Church in said Town, be and it hereby is suspended, so as that it shall be of no Force or Validity as a Part of the Act aforesaid, for and during the Term of Seven Years, to commence from the Day and Date of this Resolution, and shall for and during said Term be considered as to all Intents and Purposes null and void, with respect to the New-North Church above-mentioned. [*Passed September 28.*]

## CHAPTER 342.

LETTER TO THE SUPREME EXECUTIVES OF NEW HAMPSHIRE, RHODE ISLAND, CONNECTICUT AND NEW YORK, PROPOSING A CONVENTION AT HARTFORD FOR THE REGULATION OF PRICES AND THE LIMITATION OF EXPORTS.

SIR,

The good People of this State, greatly alarmed at the late rapid Depreciation of our Currency, have by a Meeting of their Delegates at Concord agreed to regulate the Prices of the most considerable Articles of Merchandize and the Necessaries of Life, which at present appears likely to answer very good and salutary Purposes, unless destroyed by those Hawkers and Sharpers that have heretofore so largely contributed to the Inconveniences we now feel. But a Regulation in this Government, without similar Measures are adopted by our Sister States, affords Opportunity to People of this Class to execute all their Refinement in Sharping and Tricking, greatly to the Damage both of your State and ours. The Mischiefs arising from their Practices have already been apparent, such large Quantities of Goods being carried from hence as threaten us with so great a Scarcity as will deprive us of the Means for procuring Bread and other Provisions, of which we are at present in great Want, those Monopolizers having made such Exertions for Transportation that the Price of Cattle has almost doubled within a few Weeks. Those Measures, unless speedily prevented, threaten the very Existence of the Community. The General Assembly of this State have therefore been under the Necessity for the present of making an Act to prohibit the Exportation of sundry Articles of Merchandize and Live Stock out of this State. Nothing but the most absolute Necessity could have induced us to enter into a Measure which may appear to militate with that Spirit of brotherly Love and Friendship which the American States ought to bear to each other, and for our common Interest is so necessary to prevail throughout the whole: In order therefore that a free and general Intercourse may take place upon Principles correspondent with the public Good, and effectually to cut up and destroy the Practices of those People who prey both upon you and us, we take the Liberty to propose a Consultation on the Part of the Government of New-Hampshire, Rhode-Island, Connecticut, New-York and Massachusetts-Bay, to be holden at Hartford, on the 20th Day of October next, for the Purposes aforesaid, and Thomas Cushing and Nathaniel Gorham, Esquires, are deputed by this Assembly, with full Powers to appear on the Part of this State; we have wrote a similar Letter to the several States above mentioned, and as the Business

Mass.  
Archives,  
cc. 1, 324-324b.  
Mass.  
Resolves,  
Sept. Session,  
chap. 93.



proposed appears to us of great Importance and to require Dispatch, we shall take the Liberty to direct our Commissioners to appear at the Time and Place above proposed without further Advice from you. We have only to request you, Sir, to lay this Letter before the Assembly of your State, if sitting, and if not, before the Council, that they may have Opportunity to take such Measures thereon as the public Good may appear to them to require.

I am in the name and by Order of the Assembly Sir  
Yours &c.

To his Excellency  
[September 28.

## CHAPTER 343.

RESOLVE PERMITTING JACOB TREADWELL, AGENT FOR THE OFFICERS AND CREW OF THE CONTINENTAL SHIP RANGER. TO SHIP TO PORTSMOUTH ALL THE GOODS CAPTURED BY THE CONTINENTAL SHIPS PROVIDENCE, QUEEN OF FRANCE AND RANGER.

Legislative  
Records of the  
Council,  
xxxix., 520.  
Mass.  
Archives,  
ccxxiv., 159.  
Mass.  
Resolves,  
Sept. Session,  
chap. 106.  
Mass.  
Archives,  
ccxxiv.,  
157-159a.

ON THE PETITION of Jacob Treadwell, Agent for the Officers and Crew of the Continental Ship Ranger:

*Resolved*, That the Petitioner, Jacob Treadwell, be and hereby is permitted to ship in the three small Vessels mentioned in his Petition for Portsmouth, in the State of New-Hampshire, all the Goods captured by the Continental Ships Providence, Queen of France and Ranger, which belong to the Officers and Sailors belonging to the Ship Ranger, he producing to the Honorable Council an exact Invoice<sup>1</sup> of the Goods so shipped, previous to said Vessels sailing. [Passed September 29.<sup>2</sup>

## CHAPTER 344.

Legislative  
Records of the  
Council,  
xxxix., 521.  
Mass.  
Archives,  
ccxxiv., 153.  
Mass.  
Resolves,  
Sept. Session,  
chap. 108.  
Mass.  
Archives,  
ccxxiv., 154.  
Province  
Laws, v., 1114,  
chap. 13.

RESOLVE PERMITTING JOSIAH WATERS, JR. SIMON WOLCOTT AND OTHERS, OF THE LATE SHIP GEN. PUTNAM, TO TRANSPORT SUGAR, SHOES, ETC., TO NEW LONDON.

ON THE PETITION of Josiah Waters, jun., and Simon Wolcott, in behalf of several of the Crew of the late Ship General Putnam:

*Resolved*, That the Board of War be and hereby are directed to grant a Permit to Josiah Waters, jun., and Simon Wolcott to transport out of this State to New-London, two Casks of Loaf Sugar, three Casks of Shoes, three Casks of dry Goods, two Hundred Pounds of Raisons, forty Gallons of Wine, one Box of Ozna-brigs, one Box of old Cloathing, being Loading for two Teams, any Law of this State notwithstanding. [Passed September 29.<sup>2</sup>

<sup>1</sup> See Massachusetts Archives, ccxxiv., 158a.

<sup>2</sup> This date is same in Massachusetts Resolves, but September 28 according to Legislative Records of the Council.



## CHAPTER 345.

RESOLVE PERMITTING JONATHAN HUMPHREY TO TRANSPORT RUM, SALT AND SUGAR TO CONNECTICUT WITHIN SIX DAYS, HAVING PURCHASED SAID ARTICLES WITH FLOUR.

*Resolved*, That Jonathan Humphrey be and he hereby is permitted with two Teams, loaded with the following Articles, viz. one Hogshead of Rum, two Barrels ditto, one Hogshead of Salt, one Tierce and two Barrels of Sugar, to pass out of this State into the State of Connecticut, he having purchased said Articles with Flour; said Teams being eight Oxen and one Horse. This Resolve to be in Force six Days and no longer, any Law, Usage or Custom to the contrary notwithstanding. [*Passed September 29.*<sup>1</sup>]

Legislative  
Records of the  
Council,  
xl., 1.  
Mass.  
Archives,  
ccxxiv., 145.  
Mass.  
Resolves,  
Sept. Session,  
chap. 96.  
Mass.  
Archives,  
ccxxiv., 146, 147.  
Province  
Laws, v., 1114,  
chap. 13.

## CHAPTER 346.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER TO REBECCA, WIDOW OF WILLIAM HARRIS, THE CLOTHING DUE HIM AS AN OFFICER IN COL. HENLEY'S REGIMENT.

ON THE PETITION of Rebecca Harris, praying for Cloathing due to her late Husband, William Harris:

*Resolved*, That the Board of War of this State be and they hereby are directed to deliver to Rebecca Harris, Widow of the late William Harris, the several Articles of Cloathing that were due to said Harris at the Time of his Decease, as an Officer in the Regiment commanded by Col. David Henley. [*Passed September 29.*]

Legislative  
Records of the  
Council,  
xl., 5.  
Mass.  
Resolves,  
Sept. Session,  
chap. 103.

## CHAPTER 347.

RESOLVE FOR ADVERTISING IN THE BOSTON NEWSPAPERS SOLDIERS WHO HAVE DESERTED, OFFERING \$100 REWARD AND REASONABLE EXPENSES FOR THOSE SECURED IN GAOL OR RETURNED.

WHEREAS it has been represented to this Court that a Number of Soldiers have deserted from the Superintendents of several Counties within this State:

*Resolved*, That every Superintendent from whom any Soldiers have deserted be directed, and he is hereby directed to advertise them in one of the Boston News-Papers, and offer a Reward of One Hundred Dollars, and all reasonable Expences, for each of them who may be taken and secured in any of the Gaols in the United States, or delivered to him. [*Passed September 29.*]

Legislative  
Records of the  
Council,  
xl., 5.  
Mass.  
Archives,  
ccxxiv., 160.  
Mass.  
Resolves,  
Sept. Session,  
chap. 104.  
Mass.  
Archives,  
ccxxiv., 161.

<sup>1</sup> This date is September 28 according to Legislative Records of the Council and Massachusetts Resolves.



## CHAPTER 348.

RESOLVE ADVANCING £3,000 TO JABEZ MEIGS, COMMISSARY AT FALMOUTH, FOR SUPPLIES FOR TROOPS STATIONED AT SAID PLACE AND MILITIA CALLED ON THE LATE ALARM AND DIRECTING HIM TO LAY HIS ACCOUNT OF EXPENDITURES FOR THE MILITIA BEFORE THIS COURT AS SOON AS POSSIBLE.

Legislative  
Records of the  
Council,  
xl., 6.  
Mass.  
Archives,  
ccxiv., 165.  
Mass.  
Resolves,  
Sept. Session,  
chap. 102.

Mass.  
Archives,  
ccxiv., 166.  
*Ante*, p. 14,  
chap. 18.

ON THE MEMORIAL of Jabez Meigs, Commissary at Falmouth, in the County of Barnstable, setting forth that besides the Sum he has received by Order of this Court, he has been obliged to incur a considerable Debt to procure Supplies for the Troops stationed at said Place and the Militia called in on the late Alarm, and praying that he may be enabled to discharge the Debts he has contracted, by being supplied with Money for that Purpose:

*Resolved*, That there be paid out of the Treasury of this State to said Jabez Meigs, the Sum of Three Thousand Pounds, to enable him to discharge said Debts, he giving a Receipt to be accountable for the same, and that he be directed to lay his Account of Expenditures for the Militia called in on the late Alarm before this Court, as soon as possible, for Allowance and Payment. [*Passed September 29.*]

## CHAPTER 349.

RESOLVE APPOINTING A COMMITTEE TO CONSIDER THE INCORPORATION OF PARTS OF WINDSOR AND ADAMS WITH THE PLANTATION OF NEW PROVIDENCE BY THE NAME OF NEW PROVIDENCE.

Legislative  
Records of the  
Council,  
xl., 6.  
Mass.  
Archives,  
clxxxv., 258.  
Mass.  
Resolves,  
Sept. Session,  
chap. 107.  
Mass.  
Archives,  
clxxxv., 257.

In the House of Representatives

Upon the Petition of the Inhabitants of the Plantation called New-Providence, Praying the General Court to send a Committee to view their Situation, and incorporate them with the Northwest Corner of Windsor and the South Part of the Town of Adams, by the Name of New-Providence: Therefore

*Resolved*, That Col. [Caleb]<sup>1</sup> Hyde and Col. [John] Ashley [jun.]<sup>2</sup> with such as the Honorable Board shall join be and they hereby are appointed a Committee to repair to New-Providence at the Expence of the Petitioners, and View their Situation, &c. and report to this Court what is proper to be done.

In Council

Read and Concurred and Noah Goodman, Esq., is joined for the Purpose mentioned. [*Passed September 29.*]

## CHAPTER 350.

RESOLVE ENABLING THE TREASURER TO OBTAIN FROM UNINCORPORATED PLANTATIONS THE SUMS DUE IN THE LAST TAX ACT.

Legislative  
Records of the  
Council,  
xl., 7.  
Mass.  
Archives,  
ccxiv., 167.  
Mass.  
Resolves,

WHEREAS Application has been made to this Court by the Inhabitants of a Plantation called New-Providence, in the County of Berkshire, for an Order to pass empowering them to assess and collect the Sum set on them in the last Tax-Act. And whereas it has been represented that divers other Plantations have made

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, viii., 595.

<sup>2</sup> Of Sheffield.



no Return on the Warrants issued by the Treasurer for assessing the Sums set on them respectively:

*Resolved*, That the Treasurer be and he hereby is directed forthwith to issue his Precept to some Justice of the Peace dwelling near to such Plantation, requiring him to grant his Warrant for calling a Meeting of the Inhabitants thereof, agreeable to an Act passed A.D. 1761, intitled "An Act providing for the levying and collecting of Taxes in Plantations that are not incorporated." And the Inhabitants of such Plantations at such Meetings respectively shall proceed to choose the proper Officers for assessing and collecting the Sums set on them in the last Tax-Act, as well as the Sums due on former Assessments, whereof the Treasurer in his Precept to the Justice and the Justice in his Warrant for calling said Meeting shall give a particular Account. And such Justice shall cause Return to him to be made of the Names of the Officers chosen at such Meetings, and transmit a List thereof to the Treasurer, without delay; and the Assessors and Collectors so chosen shall proceed in every respect as in said Act is directed, and shall have the same Power and be subject to the same Penalties as like Officers in incorporated Towns. [*Passed September 29.*]

Sept. Session,  
chap. 101.  
  
Province  
Laws, iv., 471,  
chap. 16.

## CHAPTER 351.

RESOLVES FOR RAISING NINE MEN TO GUARD THE POWDER MAGAZINE AT WATERTOWN UNDER DIRECTION OF JONATHAN BROWN, ESQ., AND MAKING AN ESTABLISHMENT FOR THEM.

*Resolved*, That Jonathan Brown, Esq., be and hereby is appointed a Committee to inlist nine Men out of the Militia in Watertown, viz. one Serjeant, one Corporal and seven Privates, to serve as a Guard to the Powder-Magazine in Watertown till the 1st Day of February, 1780, unless sooner discharged, and that they be allowed for their Service as follows, viz. the Serjeant Eight Pounds per Month, the Corporal Seven Pounds ten Shillings, and the Privates Seven Pounds per Calendar Month, and Rations as accustomed, the Establishment to take place the 17th of July last. And be it further

*Resolved*, That Jonathan Brown, Esq., the Committee aforesaid, be and hereby is impowered and directed to issue Orders from Time to Time to said Guard, as he shall judge necessary for the safe keeping said Magazine, and see that they faithfully attend their Duty. [*Passed September 29.*]

Legislative  
Records of the  
Council,  
xl., 7.  
Mass.  
Archives,  
ccxxiv., 168.  
Mass.  
Resolves,  
Sept. Session,  
chap. 100.

## CHAPTER 352.

RESOLVE ENTITLING DANIEL CULVER HALF PAY FROM JULY 8, 1777, HAVING LOST HIS LEG NEAR FORT ANN.

ON THE REPRESENTATION of John Lucas, Commisary of Continental Pensioners, in behalf of Dan[iel]<sup>1</sup> Culver, a Soldier in Col. [John]<sup>1</sup> Brown's Regiment, and in Capt. [Jesse]<sup>1</sup> Bradley's Company, who lost his left Leg in an Engagement with the Enemy near Fort-Ann, as appears by his Certificate, &c.

*Resolved*, That the said Dan[iel] Culver is entitled to Half-Pay, commencing the 8th of July, 1777. [*Passed September 29.*]

Legislative  
Records of the  
Council,  
xl., 8.  
Mass.  
Archives,  
ccxxiv., 162.  
Mass.  
Resolves,  
Sept. Session,  
chap. 105.

Mass.  
Archives,  
ccxxiv.,  
162½-164.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, iv., 205.



## CHAPTER 353.

RESOLVE EMPOWERING A COMMITTEE TO GRANT PERMITS TO TEAMSTERS TO PROCEED WITH LOADS ON BOND THAT THEY SHALL NOT BE CARRIED OUT OF THIS STATE.

Legislative  
Records of the  
Council, xl., 8.  
Mass.  
Archives,  
ccxxiv., 202.  
Mass.  
Resolves,  
Sept. Session,  
chap. 122.

Province  
Laws, v., 1114,  
chap. 13.

WHEREAS it appears to this Court that a Number of Teams belonging to Inhabitants of this State who live at a great Distance from the Metropolis are now detained with their Loading in Boston and Places adjacent, for want of such a Certificate as the Embargo-Act just passed requires: And whereas it would be attended with very great Expence to the Owners to retain the said Teams until such Certificates could be procured from such distant Places: Therefore

*Resolved*, That Maj. Joseph Hosmer and Mr. Josiah Smith be a Committee, who are hereby impowered to grant Permits to all such Teamsters, to proceed with their Loading to the Towns within this State to which they belong, provided the Purchaser or Seller, or the Teamster of the Articles which are proposed to be carried away, will give Security to the Satisfaction of the said Committee that the Articles to be sent by the said Teams shall not be carried out of this State, nor be disposed of in any Way inconsistent with the true End and Design of the late Embargo-Act, any thing in said Act to the contrary notwithstanding. [*Passed September 30.*]

## CHAPTER 354.

RESOLVE EMPOWERING THE COURT OF GENERAL SESSIONS FOR SUFFOLK COUNTY TO GRANT LICENSES AS INNOLDERS AND RETAILERS TO URIAH MORSE, MOSES RICHARDSON, JR., SIMON FISHER AND OTHERS, THE SELECTMEN HAVING NEGLECTED TO RETURN THEIR APPROBATION.

Legislative  
Records of the  
Council, xl., 11.  
Mass.  
Archives,  
ccxxiv., 200.  
Mass.  
Resolves,  
Sept. Session,  
chap. 120.  
Mass.  
Archives,  
ccxxiv., 201.

ON THE PETITION of Uriah Morse, Moses Richardson, jun. and Simon Fisher, praying that the Justices of the Court of General Sessions of the Peace for the County of Suffolk may be impowered to grant Licenses to said Petitioners for Innholders and Retailers of Strong-Liquors the ensuing Year, for Reasons mentioned in said Petition: And whereas it appears that several other Persons in said County are unable to obtain said Licenses by reason of the neglect of the seasonable Return of the Selectmens Approbation: Therefore

*Resolved*, That the Prayer of the Petition be granted, and that the Justices of the Court of General Sessions of the Peace for the County of Suffolk be and they hereby are impowered at their next October Term, to grant said Licences to the said Petitioners: And also to such other Persons within said County, who are unable to obtain said Licenses for the Reasons abovementioned, that may apply to said Court therefor, and producing the Approbation of the Selectmen as the Law directs, the Time for granting said Licences in said County being elapsed notwithstanding. [*Passed September 30.*]



## CHAPTER 355.

RESOLVE EMPOWERING A COMMITTEE TO GRANT PERMITS TO THE OFFICERS AND CREWS OF THE CONTINENTAL SHIPS OF WAR TO TRANSPORT PRIZE GOODS TO THEIR PLACES OF ABODE, ON PRODUCING A CERTIFICATE OF THEIR OWNERSHIP FROM THE CONTINENTAL AGENT.

*Resolved*, That Jonathan Metcalf, Esq., Mr. Nathaniel Morton and Capt. Benjamin Bonney be and they hereby are impowered and directed to grant Permits to such of the Officers or Crews of the Continental Ships of War now in this State, as may apply for the same, for transporting to their respective Places of Abode, such Shares or Parts of Shares of Prize Goods by them taken as they may want to have so transported: Provided the Person so applying shall first produce a Certificate from the Continental Agent, to the Truth of which he shall make Oath, that the Goods for which the Permit is requested are the Property of the Person so requesting, and that he received the same as his Share, or Part of his Share of the Prize or Prizes taken by the said Continental Ships: Any thing in the Embargo-Act to the contrary notwithstanding. [*Passed September 30.*]

Legislative  
Records of the  
Council,  
xl., 11.  
Mass.  
Archives,  
ccxxiv., 198.  
Mass.  
Resolves,  
Sept. Session,  
chap. 123.  
Mass.  
Archives,  
ccxxiv., 199.  
Province  
Laws, v., 1114,  
chap. 13.

## CHAPTER 356.

RESOLVE APPOINTING A COMMITTEE TO SETTLE WITH THE MANAGERS OF THE STATE LOTTERY, CONSIDER ALLOWANCE FOR SAID MANAGERS, DETERMINE THE TIME FOR DRAWING THE 4TH CLASS AND THE RECEIPT OF FORMER PRIZES FOR TICKETS IN PRESENT CLASS.

*Resolved*, That Col. [Loammi]<sup>1</sup> Baldwin, Mr. [Moses]<sup>2</sup> Fraizer and Capt. [Samuel]<sup>3</sup> Ward be a Committee to settle with the Managers of this State's Lottery, and to consider what Allowance shall be made said Managers, also to break the Seals which inclose any Tickets in said Lottery, which have been returned into the Treasury by order of Court, and receive the Prizes said Tickets have drawn and pay them into the Treasury, and determine on a Time proper for the Managers to draw the fourth Class, and consider the Expediency of impowering them to receive the Fifty Dollar Notes which they have paid out for Prizes in the former Classes for Tickets in the present Class. [*Passed September 30.*]

Legislative  
Records of the  
Council,  
xl., 12.  
Mass.  
Archives,  
ccxxiv., 192.  
Mass.  
Resolves,  
Sept. Session,  
chap. 114.  
Province  
Laws, xx., 713,  
chap. 758.

## CHAPTER 357.

RESOLVE CONFIRMING A PLAN OF LAND IN BERKSHIRE COUNTY GRANTED TO THE PROPRIETORS OF GROTON TO SATISFY THE GRANT MADE TO THEM IN JUNE 1771 IN LIEU OF THAT LOST BY RUNNING THE NEW HAMPSHIRE LINE.

THE COMMITTEE to whom was committed the Plan of a Tract of Land granted to the original Proprietors of the Town of Groton, in the County of Middlesex and State of Massachusetts-Bay, beg Leave to report by Way of Resolve:

*Resolved*, That the Plan hereunto annexed, containing Three

Legislative  
Records of the  
Council,  
xl., 12.  
Mass.  
Archives,  
ccxxiv., 180.  
Mass.  
Resolves,

<sup>1</sup> Of Woburn.

<sup>2</sup> Of Newburyport.

<sup>3</sup> Of Salem.



Sept. Session,  
chap. 118.

Mass.  
Archives,  
ccxxiv., 182.  
Province  
Laws, xviii.,  
605, chap. 149.

Thousand eight Hundred and forty Acres of Land belonging to this State, laid out in the County of Berkshire and State of Massachusetts-Bay, and is in full to satisfy the Grant made to the original Proprietors of Groton, in the County of Middlesex aforesaid, by the Great and General Court at their Sessions in June, 1771, in lieu of Land they lost by the late running the New-Hampshire Line as mentioned in their Grant (and is bounded as followeth, viz. beginning at the North-west Corner of a Grant of Land made to [Asa]<sup>1</sup> Douglass and others, and from thence running East twenty-one Degrees South thirty-four Rods to the South-west Corner of a Grant of Land made to Robert Noble, thence running North twenty-one Degrees East four Hundred and sixty-six Rods to a large Oak Tree at the North-west Corner of said Noble's Grant, thence running West twenty-one Degrees North twenty-four Rods to a Stake and Stones at the South-west Corner of Samuel Brown's Grant, thence running North twenty-one Degrees East two Hundred Rods to a Stake and Stones at the North-west Corner of the aforesaid Brown's Grant, thence running East twenty-one Degrees South seventy-eight Rods to an Oak Tree marked, thence East twelve Degrees South eighty-eight Rods to a Birch Tree marked and Stake and Stones, thence East thirty Degrees South seventy-one Rods to a Beech Tree marked and a Stake and Stones by it, thence North four Degrees West sixty-five Rods to two small Witchazel Staddles and Stones, the North-west Corner of one Hundred Acres laid out to satisfy Part of a Grant made to Beriah Tree, thence East twelve Degrees North one Hundred and twenty Rods to a Maple Tree marked and Stones, thence South four Degrees East one Hundred and thirty-seven Rods to a Beech marked with Stones about it on the North Line of a Grant of Land made [Josiah]<sup>2</sup> Dean and [Asa]<sup>2</sup> Douglass, thence East twenty-one Degrees North two Hundred and thirty-two Rods to the South-west Corner of a Grant of Land called Douglass's new Grant, on the North Line of Dean's Grant, thence North twenty-five Degrees West eighty rods to a small Beech Tree and Stones at the South-east Corner of Samuel Brown's North Grant, thence East twenty-five Degrees South fifty-six Rods to a Stake and Stones, thence West thirty-eight Degrees North one Hundred and eighty Rods to a Bass-wood Tree, thence West sixty-three Degrees North thirty-two Rods to another Bass-wood Tree, thence West fifteen Degrees North fifty-five Rods to a Beech Tree, thence North sixteen Degrees West two Hundred and twenty-eight Rods to a Beech Tree, thence North twenty-two Degrees East forty-eight Rods to a Maple Tree, thence East twenty-two Degrees South one Hundred and forty Rods to a Beech Tree, thence East fifty-two Degrees South eighty-seven Rods to a red Oak, thence East thirty Degrees South one Hundred and twelve Rods to a Stake and Stones on the West Line of Douglass's new Grant, thence North fourteen Degrees East two Hundred and twenty-four Rods to a Beech Tree with Stones on said Line, thence East fourteen Degrees South sixty-five Rods to a Stake and Stones, thence North thirteen Degrees East five Hundred and eighteen Rods to a Beech marked with Stones, thence North forty Degrees East three Hundred and twenty Rods to a Stake and Stones, thence North ten Degrees East thirty Rods to a Stake at the South-east Corner of a Piece of Land laid out to the Proprietors of Townsend, thence West ten Degrees North five Hundred and sixty Rods to a Stake and Stones, thence South twenty-one Degrees West to the first mentioned

<sup>1</sup> Province Laws, xviii., 532, chap. 4.

<sup>2</sup> *Ibid.*, xvii., 329, chap. 237.



Bounds) be and hereby is accepted and confirmed unto the Proprietors of Groton aforesaid, their Heirs and Assigns forever, provided the same doth not exceed the Quantity aforementioned nor interferes with any former Grant. [*Passed September 30.*<sup>1</sup>

## CHAPTER 358.

RESOLVE PERMITTING JOHN BISHOP OF MEDFORD TO TRANSPORT NEW ENGLAND RUM TO SALISBURY, CONN., GIVING BONDS OF £1,000 TO LOAD BACK WITH FLOUR.

ON THE PETITION of John Bishop:

*Resolved*, That John Bishop, of Medford, in the County of Middlesex, be permitted to transport in three Teams a Quantity of New-England Rum from said Town to Salisbury in the State of Connecticut, on Condition that he load back the same Teams with Flour into this State, he giving Bonds for One Thousand Pounds to the Selectmen of the Town of Medford aforesaid for the Performance of the same, any Law of this State notwithstanding. [*Passed September 30.*

Legislative  
Records of the  
Council,  
xl., 14.  
Mass.  
Archives,  
cexxiv., 175.  
Mass.  
Resolves,  
Sept. Session,  
chap. 115.  
Mass.  
Archives,  
cexxiv., 176.

## CHAPTER 359.

RESOLVE PERMITTING ROBERT SNELL AND CROWNIDGE KINKEAD TO TRANSPORT RUM AND SALT, WHICH THEY HAD LOADED BEFORE THE EMBARGO ACT TOOK PLACE, TO TRYON, NEW YORK.

ON THE PETITION of Robert Snell and Crownidge Kinkead:

*Resolved*, That Robert Snell and Crownidge Kinkead of Tryon County, in the State of New-York, be permitted to transport a Quantity of Rum and Salt, which they have had loaded before the Embargo-Act took place, out of this State to said Tryon County, the same Articles being in one Waggon, any Law of this State notwithstanding. [*Passed September 30.*

Legislative  
Records of the  
Council,  
xl., 15.  
Mass.  
Archives,  
cexxiv., 177.  
Mass.  
Resolves,  
Sept. Session,  
chap. 110.  
Mass.  
Archives,  
cexxiv., 178, 179.  
Province  
Laws, v., 1114,  
chap. 13.

## CHAPTER 360.

RESOLVE DIRECTING THE COMMISSARY GENERAL TO ALLOW COL. BREWER, TRUCK MASTER IN THE EASTERN DEPARTMENT, ONE RATION A DAY AND TO ADVANCE HIM SIX MONTHS' PROVISIONS AT THAT RATE.

*Resolved*, That the Commissary-General of this State be and he is hereby directed to allow one Ration per Day to Col. Josiah Brewer, Truck-Master in the Eastern Department of this State, and that the said Commissary be directed to advance six Month's Provisions to said Col. Brewer, at the Rate of one Ration per Day, he giving a Receipt for the same. [*Passed September 30.*

Legislative  
Records of the  
Council,  
xl., 16.  
Mass.  
Archives,  
cexxiv., 169.  
Mass.  
Resolves,  
Sept. Session,  
chap. 126.  
Ante, p. 160,  
chap. 331.

<sup>1</sup> No plan of this date is in the Archives, but another made by Joseph Allen, Surveyor, sworn to May 14, 1772, is found in Maps and Plans, 3rd series, vol. 37, p. 26. The Western portion is now in the State of New York and the Eastern in the Town of Hancock, *ibid.*, vol. 18, p. 7.



Legislative  
Records of the  
Council,  
xl., 16.  
Mass.  
Archives,  
ccxiv., 170.  
Mass.  
Resolves,  
Sept. Session,  
chap. 109.  
Mass.  
Archives,  
ccxiv.,  
170a, 171.  
Province  
Laws, v., 1114,  
chap. 13.

## CHAPTER 361.

RESOLVE PERMITTING ROBERT MACY TO TRANSPORT SUGAR, ETC.,  
PURCHASED WITH FLOUR, TO NEW YORK WITHIN TEN DAYS.

*Resolved*, That Robert Macy be and hereby is permitted to pass out of this State to the State of New-York, with a two Horse Team, loaded with one Barrel of Sugar, one Box of Pipes, three Bushels of Salt, one Chest of Tea, with sundry other small Articles, which he purchased with Flour. He leaving his Permit with the Committee as the Embargo Act directs. This Resolve to be in Force ten Days and no longer. [*Passed September 30.*]

## CHAPTER 362.

Legislative  
Records of the  
Council,  
xl., 17.  
Mass.  
Archives,  
ccxiv., 203.  
Mass.  
Resolves,  
Sept. Session,  
chap. 111.  
Mass.  
Archives,  
ccxiv., 204-206.  
Province  
Laws, xx.,  
1114, chap. 13.  
*Ante*, p. 170,  
chap. 353.

RESOLVE PERMITTING STEPHEN DAY TO TRANSPORT RUM AND SUGAR TO COLCHESTER, CONN., AND AUTHORIZING THE COMMITTEE TO GRANT PERMITS TO GIVE HIM ONE.

ON THE PETITION of Stephen Day, of the State of Connecticut, praying he may have Liberty to carry out of this State to the State of Connecticut, three Hogsheads and one Tierce of Rum, and one Barrel of Sugar, as set forth in said Petition:

*Resolved*, That the Prayer of the Petition be granted, and that the Petitioner have Liberty to proceed to Colchester with the Rum and Sugar as set forth in the Petition; any Law of this State to the contrary notwithstanding; and that the Committee appointed to grant Permits to Teams within this State that are stopped on the Road, are hereby authorized to give the said Stephen Day a Permit for that Purpose. [*Passed September 30.*]

## CHAPTER 363.

Legislative  
Records of the  
Council,  
xl., 17.  
Mass.  
Archives,  
ccxiv., 193.  
Mass.  
Resolves,  
Sept. Session,  
chap. 125.  
*Ante*, p. 170,  
chap. 353.

RESOLVE ADDING MEMBERS TO THE COMMITTEE THIS DAY APPOINTED TO GRANT PERMITS TO TEAMSTERS AND REFERRING THE PETITIONS OF SAMUEL BROOME AND OTHERS TO THE SAME.

*Resolved*, That Mr. [John]<sup>1</sup> Hastings, Mr. [Joseph]<sup>2</sup> Allyn and Col. [Israel]<sup>3</sup> Hutchinson be added to the Committee this Day appointed to grant Permits to Teamsters, and

*Ordered*, That the Petitions of Samuel Broome, James Vernor and others, and John Peak and others, be committed to said Committee. [*Passed September 30.*]

<sup>1</sup> Of Danvers.  
<sup>2</sup> Of Hatfield.  
<sup>3</sup> Of Rehoboth.



## CHAPTER 364.

RESOLVES APPOINTING THOMAS CUSHING AND NATHANIEL GORHAM, DELEGATES TO THE CONVENTION AT HARTFORD OCTOBER 20<sup>TH</sup> AND DIRECTING THEM TO EXPLAIN THE MOTIVES FOR THE EMBARGO LAW, TO CONSIDER THE APPRECIATION OF CURRENCY AND FREE TRADE AND TO REPRESENT FORCIBLY THE WANT OF FLOUR IN THE STATE.

WHEREAS the good People of this State have entered into Measures not only to prevent the Depreciation but to obtain an Appreciation of our Currency, and the honest Part of the Community are making every Exertion to carry said Measures into execution, which laudable Endeavours might have been overthrown by some who prefer even the smallest private Gain to the public Interest, unless prevented by the Embargo-Act, which this Court have thought proper to pass to co-operate with the Resolutions of the People: And as it is necessary that our Neighbour States should be made acquainted with the Principles which induced this Court to pass said Embargo-Law:

*Resolved*, That the Hon. Thomas Cushing and Nathaniel Gorham, Esquires, be a Committee in behalf of this Court to repair to Hartford by the 20th of October next, and meet and confer with such Committees as may appear there on the Part of New-York, Connecticut, Rhode Island and New-Hampshire, and explain to them the Motives that operated with this Court to pass said Embargo-Law. And to concert with them such Measures as may appear proper to appreciate our Currency, and open a free and general Intercourse of Trade upon Principles correspondent with the public Good. And be it further

*Resolved*, That said Committee represent in the most forceable Manner to the Committee of New-York and Connecticut the great Want of Flour in this State, both for public and private Uses, and endeavour to settle with them a proper Mode of Supply. [*Passed September 30.*]

Legislative  
Records of the  
Council,  
xl., 18.  
Mass.  
Archives,  
ccxiv., 197.  
Mass.  
Resolves,  
Sept. Session,  
chap. 124.

Mass.  
Archives,  
cxliv., 81-103.  
Province  
Laws, v., 1114,  
chap. 13.  
*Ante*, p. 165,  
chap. 342.

## CHAPTER 365.

RESOLVE ADVANCING £600 TO THOMAS CUSHING AND NATHANIEL GORHAM, DELEGATES TO THE CONVENTION AT HARTFORD.

WHEREAS the Hon. Thomas Cushing and Nathaniel Gorham, Esquires, are appointed by this Court to repair to Hartford, there to meet with Committees from New-York, Connecticut, Rhode Island and New-Hampshire, and with them to consider and agree upon such Matters of public Concern as is set forth in the Resolve for their Appointment:

*Resolved*, That the Sum of Six Hundred Pounds be paid to the said Thomas Cushing and Nathaniel Gorham, to defray their Expences, they to be accountable to this Court for the Expenditure of the same. [*Passed September 30.*]

Legislative  
Records of the  
Council,  
xl., 17.  
Mass.  
Archives,  
ccxiv., 174.  
Mass.  
Resolves,  
Sept. Session,  
chap. 113.

*Ante*, p. 70,  
chap. 135.  
*Supra*, chap.  
364.



## CHAPTER 366.

Legislative  
Records of the  
Council,  
xl., 19.  
Mass.  
Archives,  
ccxiv., 188.  
Mass.  
Resolves,  
Sept. Session,  
chap. 119.  
Mass.  
Archives,  
ccxiv., 189, 190.

RESOLVE PERMITTING MARY CRAIGE WITH HER CHILD TO GO TO NEW YORK TO HER HUSBAND, JAMES CRAIGE, ABSENTEE.

ON THE PETITION of Mary Craige of Oakham, in the County of Worcester, in the State of Massachusetts-Bay, Wife of James Craige, an Absentee, praying that she may have Leave for herself and Child to go to New-York to her Husband:

*Resolved*, That the said Mary be permitted to go to New-York with her said Child, in the first Cartel, and that the said Mary shall not return to this State. [*Passed September 30.*]

## CHAPTER 367.

RESOLVE REQUESTING JOHN BRADFORD, CONTINENTAL AGENT, TO SUPPLY THE COMMITTEE ON SMALL STORES WITH 20 HOGS-HEADS OF SUGAR FOR THE ARMY RAISED BY THIS STATE.

Legislative  
Records of the  
Council,  
xl., 20.  
Mass.  
Archives,  
ccxiv., 191.  
Mass.  
Resolves,  
Sept. Session,  
chap. 117.

IT BEING REPRESENTED to this Court by the Committee appointed to supply that Part of the Army raised in this State with small Stores, that it is necessary to send forward a Quantity of Stores immediately, and that they are unable to procure a sufficient Quantity of Sugar, unless they can obtain it from the Continental Agent who has a large Quantity on Hand, but has received Orders to suspend the Sale for the present: Therefore

*Resolved*, That John Bradford, Esq., Continental Agent, be and he hereby is requested to supply said Committee with twenty Hogsheads of Sugar to supply the Army, they paying him the same Price he has sold for to others. [*Passed September 30.*]

## CHAPTER 368.

RESOLVE PERMITTING JANE DINSMORE WITH HER CHILDREN TO RETURN TO SCOTLAND BY WAY OF NEW YORK, NEWPORT OR HALIFAX.

Legislative  
Records of the  
Council,  
xl., 21.  
Mass.  
Archives,  
ccxiv., 185.  
Mass.  
Resolves,  
Sept. Session,  
chap. 112.  
Mass.  
Archives,  
ccxiv., 186.

ON THE PETITION of Jane Dinsmore, praying that she may have Leave to depart this State with her two Children, and return to Scotland, the Place of her Nativity, by the way of New-York, Newport or Halifax, by a Cartel that may be bound to either of those Places:

*Resolved*, That Jane Dinsmore have and she hereby has Liberty to depart this State with her two Children, in a Cartel bound either to New-York, Newport or Halifax, not to return to this State without Leave of the General Court. [*Passed September 30.*]

## CHAPTER 369.

Legislative  
Records of the  
Council,  
xl., 21.  
Mass.  
Archives,  
ccxiv., 183.  
Mass.  
Resolves,

RESOLVE PERMITTING THOMAS TAYLOR TO TRANSPORT OIL, SALT, ETC., TO BENNINGTON.

ON THE PETITION of Thomas Taylor, of Bennington, praying that he may be permitted to carry out of this State to Bennington, aforesaid two Barrels of Oil, six Bushels of Salt, three Sieves for



bolting Mills, and two or three small Articles for the Use of his Family: Therefore

*Resolved*, That the Prayer of said Petition be granted, and the said Thomas Taylor be and hereby is permitted to proceed with his Wagon and two Horses loaded with the several Articles as set forth in said Petition, to Bennington, the late prohibitory Act to the contrary notwithstanding. [*Passed September 30.*]

Sept. Session,  
chap. 116.

Mass.  
Archives,  
ccxiv., 184.  
Province  
Laws, xx.,  
1114, chap. 13.

## CHAPTER 370.

RESOLVE ALLOWING THE ENTRANCE IN THE RECORDS OF SUFFOLK COUNTY OF A COPY OF THE WILL OF THOMAS WOODWARD, LATE OF BROOKLINE, WITH AFFIDAVITS OF WITNESSES, AND ITS ALLOWANCE AS HIS LAST WILL AND TESTAMENT.

ON THE PETITION of William Dawes:

*Resolved*, That the Prayer of the Petition be granted, and that the Copy of the Will of Thomas Woodward, late of Brookline, Yeoman, deceased, together with the Affidavits of William Story, Esq., and Henry Alline, the subscribing Witnesses to the said Will, be entered on the Records of the County of Suffolk, and that the Judge of Probate for the County aforesaid be directed to accept of said Copy as the last Will and Testament of said Thomas Woodward. [*Passed October 1.*]<sup>1</sup>

Legislative  
Records of the  
Council,  
xxix., 500.  
Mass.  
Archives,  
ccxiv., 215.  
Mass.  
Resolves,  
Sept. Session,  
chap. 137.

Mass.  
Archives,  
ccxiv.,  
216-220.

## CHAPTER 371.

RESOLVES GRANTING AN ADDITIONAL BOUNTY OF \$300 TO EACH NON-COMMISSIONED OFFICER AND SOLDIER WHO HAS OR SHALL RE-ENLIST IN THE STATE'S QUOTA OF THE CONTINENTAL ARMY, EXEMPTING THEM FROM POLL, REAL ESTATE AND PERSONAL TAXES, AND APPOINTING COL. NATHANIEL FREEMAN AND SAMUEL OSGOOD, ESQ., TO REPAIR TO CAMP TO CARRY OUT THE SAME.

THE COMMITTEE of both Houses appointed to consider what Measures are proper to be taken to reinlist the Men now serving in the Continental Army, whose Time of Service will soon expire having attended the Business assigned them, ask leave to report the Resolves annexed as a necessary Measure to be adopted by this Court.

which is Submitted

MOSES GILL per Order

Whereas the Time of Inlistment of Part of this State's Quota of the confederated Army of America is near expiring: And whereas by the Smiles of Heaven, the Period of our Warfare is, we trust, nearly arrived, our inveterate Enemies having brought upon themselves the national Vengeance of France and Spain, whose combined Naval and Military Force must soon reduce imperious Britain to listen to the Voice of Reason and of Peace: And whereas it is necessary that a respectable Army should still be kept in the Field, that the War which was begun with Spirit and hath been bravely maintained, may terminate with Glory and the Accomplishment of the great Purposes which originated it: And whereas from the proved Fidelity, and unshaken Firmness of the intrepid Men who have hitherto constituted the distin-

Legislative  
Records of the  
Council,  
xl., 9.  
Mass.  
Archives,  
ccxiv.,  
225-226a.  
Mass.  
Resolves,  
Sept. Session,  
chap. 133.

Province  
Laws, xx., 587,  
chap. 446.

<sup>1</sup> This date is same in Massachusetts Resolves, but September 23 according to Legislative Records of the Council.



guished Regiments belonging to this State it will be most for the Interest and Reputation of this and the United States to engage the same gallant Veterans to continue the Military Guardians of their Country: Therefore, as an Encouragement for their Re-enlistment: It is

*Resolved*, That a Bounty of Three Hundred Dollars, in Addition to the Bounty and Subsistence Money allowed by Congress, be paid to each Non-commissioned Officer and Soldier who has or shall enlist as one of this State's Quota of the Continental Army, during the Continuance of the present War between the United States of America and Great-Britain. And it is also

*Resolved*, That each Officer and Soldier who shall engage as aforesaid shall be intitled to receive all the Benefits provided and promised by a Resolution of the General Court of this State passed the 6th of February last, and their Accounts shall be punctually settled, and the Balances paid at the Conclusion of the War; and in case the War should continue longer than one Year, then at the close of each Year, so long as the same shall last, and the Polls shall be exempted from Taxes of every kind, and the Estates both Real and Personal of each Officer and Soldier who shall engage as aforesaid, shall be exempted during their Continuance in said Service from all Town Taxes levied for the Purpose of procuring Men to go into the Army. And be it further

*Resolved*, That Col. Nathaniel Freeman and Samuel Osgood, Esq., be a Committee immediately to repair to Camp, for the Purpose of carrying the aforesaid Resolves into Execution: And that the said Committee be and they hereby are impowered to agree with the Officers belonging to this State on a Time and Place for the Meeting of a Committee of this Court with such Committee as shall be appointed by the said Officers for the Purpose of adjusting the Account of each Officer and Soldier, up to the 1st Day of January, 1780, and to assure them that the several Balances which shall be then due to such as shall continue in Service during the War, shall be paid by the said 1st of January: And should any Officer or Soldier decline entering the Service as aforesaid his or their Account shall be also settled on the said 1st of January, and the Balance paid as soon as the Circumstances of this Government will admit. [*Passed October 1.*<sup>1</sup>

## CHAPTER 372.

RESOLVE INSTRUCTING THE COMMITTEE, APPOINTED THIS DAY, TO REPAIR TO CAMP FOR RE-ENLISTING THIS STATE'S QUOTA OF THE CONTINENTAL ARMY.

*Resolved*, That the following Instructions be given to the Committee appointed by the Resolve of this Day to repair to Camp for the Purpose of re-enlisting this State's Quota of the Continental Army.

I. You are to repair without delay to Camp, and on your Arrival to confer with the Commander in Chief and take the Advice of the Generals and Field-Officers belonging to this State upon the best Method for carrying into Effect the Design of said Resolves.

II. You are to assure the Officers and Soldiers that this State have a high Sense of their Merit and Services, and that this Court will pay a particular Attention to their Wants, and will

<sup>1</sup> This date is same in Massachusetts Resolves. but September 30 according to Legislative Records of the Council.



make every Effort to have them supplied with small Stores and Cloathing.

III. You will not fail to impress upon the Minds of the Army the Advantages they possess superior to those of a different Profession, under the Encouragement which you are to offer them, that the Distresses of the Times are such, that it is with Difficulty the generality of their Brethren at Home are able to cloath and feed themselves, and discharge those heavy Taxes which the public Exigencies now require from all Ranks of Citizens, and from which they are exempted. [*Passed September 30.*<sup>1</sup>

## CHAPTER 373.

RESOLVE PERMITTING ZECHARIAH FOOT AND OTHERS TO PROCEED TO NOVA SCOTIA IN THE SCHOONER BETSEY, CARRYING 50 BUSHELS OF GRAIN AND A FEW ONIONS AND TO RETURN WITH THEIR FAMILIES AND EFFECTS, IT APPEARING THAT SAID PETITIONERS HAD EXERCISED GREAT FRIENDSHIP TO MANY AMERICAN PRISONERS THERE.

ON THE PETITION of Zechariah Foot, Ebenezer Corning, David Corning and Ebenezer Corning, jun. Inhabitants of Nova-Scotia, praying for Liberty to proceed to said Nova-Scotia in the Schooner Betsey, with a small Quantity of Grain for the Use of their Families, also a few Onions:

*Resolved*, That the Prayer of their Petition be granted, and that the Petitioners be and they are hereby permitted to depart this State and proceed to the Province of Nova-Scotia in the Schooner Betsey, and to ship on board said Schooner fifty Bushels of Grain and a few Onions, for the Purpose of supplying their Families there, it appearing that said Petitioners have exercised great Friendship to many American Prisoners that have been captured and carried into said Province, and all Commanders of armed Vessels belonging to this State are hereby directed, and all Commanders of armed Vessels belonging to any other of the United States of America are requested not to molest said Petitioners in their Voyage to Nova-Scotia, with their Effects aforesaid, or on their Return from thence to this State with their Families and Effects. [*Passed October 1.*<sup>2</sup>

Legislative  
Records of the  
Council,  
xl., 19.  
Mass.  
Archives,  
ccxxiv., 235.  
Mass.  
Resolves,  
Sept. Session,  
chap. 121.  
Mass.  
Archives,  
ccxxiv., 236.

## CHAPTER 374.

RESOLVES DIRECTING THE COMMISSARY GENERAL TO DELIVER 15,000 WEIGHT OF BREAD, FLOUR AND RICE TO COL. THOMAS, TO BORROW 120 GALLONS OF RUM FOR SAID THOMAS, AND ALSO A SUPPLY OF RUM FOR THE WORKMEN OF THE FORTIFICATIONS.

THE COMMITTEE of both Houses on the Memorial of the Commissary-General beg leave to report the following resolve, viz.

JOHN PITTS per Order.

Whereas it is represented to this Court by the Commissary-General, that it is not in his Power to compleat the Order of this Court of the 24th current, for supplying Col. Waterman Thomas with fifteen Thousand Weight of Bread and one Hundred and twenty Gallons of Rum; and also that he cannot supply the

Legislative  
Records of the  
Council,  
xl., 20.  
Mass.  
Archives,  
ccxxiv., 227.  
Mass.  
Resolves,  
Sept. Session,  
chap. 128.  
Mass.  
Archives,  
ccxxiv., 228.  
*Ante*, p. 154,  
chap. 317.

<sup>1</sup> This date is same in Legislative Records of the Council, but October 1 according to Massachusetts Resolves.

<sup>2</sup> This date is September 30 according to Legislative Records of the Council and Massachusetts Resolves.



Workmen of the Fortifications with Rum, until he shall receive a Supply thereof: Therefore

*Resolved*, That the Commissary-General be and he hereby is directed to deliver to Col. Thomas or his Order so much Bread, Flour and Rice as will amount in the whole to fifteen Thousand Weight, apportioning the Quantity of each as the public Stores will admit. And it is also

*Resolved*, That the Commissary be and he hereby is directed and empowered to borrow such a Quantity of Rum as will supply said Thomas with the aforesaid one Hundred and twenty Gallons, and also for the Supply of the Workmen of the Fortifications, until Means can be obtained for Reimbursement thereof, and also for further Supply. [*Passed October 1.*<sup>1</sup>]

## CHAPTER 375.

RESOLVE PERMITTING PHILIP GOUDY TO PROCEED IN A SMALL SHALLOP SCHOONER TO CAPE PURSUE, N. S., CARRYING FLOUR, SUGAR, COFFEE, CORN AND PORK.

Legislative  
Records of the  
Council,  
xl., 22.  
Mass.  
Archives,  
cexxiv., 229.  
Mass.  
Resolves,  
Sept. Session,  
chap. 130.

ON THE PETITION of Philip Goudy, an Inhabitant of Cape-Pursue,<sup>2</sup> in Nova-Scotia, praying for Liberty to proceed to said Cape-Pursue, in a small Shallop Schooner, with the following Articles on board, viz. four Barrels of Flour, three Hundred Weight of Sugar, two Hundred Weight of Coffee, fifteen Bushels of Corn in the Ear, and one Barrel of Pork, now on board said Schooner:

Mass.  
Archives,  
cexxiv., 230-234.

*Resolved*, That the Prayer thereof be granted, and all Commanders of armed Vessels belonging to this State are hereby directed, and all Commanders of armed Vessels belonging to any other of the United States of America are requested not to molest said Petitioner in his Voyage with the Articles above mentioned from this State to Cape-Pursue. [*Passed October 1.*<sup>1</sup>]

## CHAPTER 376.

RESOLVE GRANTING LEAVE TO THE INHABITANTS OF SOUTHWICK TO BRING IN A BILL FOR ANNEXATION OF PART OF WESTFIELD.

Mass.  
Archives,  
cexxiv., 221.  
Mass.  
Archives,  
cexxiv., 222-224.

ON THE PETITION of the Inhabitants of the District of Southwick praying that the Northerly Line of Southwick be extended Two Hundred Rods further North upon Westfield, parallel with the original North Line:

*Resolved*, That the Prayer of said Petitioners be granted and that the Petitioners have leave to bring in a Bill accordingly. [*Passed October 1.*]

<sup>1</sup> This date is same in Massachusetts Resolves, but September 30 according to Legislative Records of the Council.

<sup>2</sup> The Township of Yarmouth, Nova Scotia, was laid out on both sides of Cape Fourchu [i.e., Forked] in September, 1759. Philip Goudy of Marblehead went there in 1775. see George S. Brown's Yarmouth, Nova Scotia, 1888, 160, 320.

Cape Fourchu and Cape Porceu are both shown on Nouvelle Ecosse ou Partie Orientale du Canada, traduite de l'Anglois de la Carte de Jefferys . . . 1755, in Massachusetts Archives, French Maps, ii., 3.



## CHAPTER 377.

RESOLVE EMPOWERING A COMMITTEE TO GRANT PERMITS TO THE OFFICERS AND CREWS OF THE CONTINENTAL SHIPS OF WAR TO TRANSPORT PRIZE GOODS TO THEIR PLACES OF ABODE ON THE CERTIFICATION OF THEM OR THEIR AGENTS AS TO OWNERSHIP.

WHEREAS a Resolve passed this Court the 30th of September appointing a Committee with Powers and Directions to grant Permits to any Officers or Crews belonging to any of the Continental Frigates in this State, on provision that the Continental Agent should furnish the Party applying with a Certificate on Oath that the Articles for which the Permit was wanted were the Property of the Person so applying, which upon experience is found impracticable: Therefore

*Resolved*, That if any of the Officers or Crews, or any of their Agents, shall make Oath that the Goods for which the Permit is requested, are the Property of the Person for whom such Request is made, and that the said Person received the same as his Share, or Part of his Share of the Prize or Prizes taken by the said Continental Ships in their last Cruise, the Committee aforesaid are authorised and directed to grant Permits accordingly, the aforesaid Resolve notwithstanding. [*Passed October 1.*]

Legislative  
Records of the  
Council,  
xl., 22.  
Mass.  
Archives,  
ccxiv., 208.  
Mass.  
Resolves,  
Sept. Session,  
chap. 132.

*Ante*, p. 171,  
chap. 355.

## CHAPTER 378.

RESOLVE PERMITTING JOHN PEAK AND OTHERS TO TRANSPORT SALT AND SUGAR OUT OF THIS STATE.

ON THE PETITION of John Peak and others, praying for Liberty to transport fifty two Bushels of Salt and half a Hundred of Sugar out of this State:

*Resolved*, That the Prayer of the Petition be granted, and the Committee appointed to give Permits within this State be directed to give Permits accordingly; the late Embargo Act to the contrary notwithstanding. [*Passed October 1.*]

Legislative  
Records of the  
Council,  
xl., 23.  
Mass.  
Archives,  
ccxiv., 214.  
Mass.  
Resolves,  
Sept. Session,  
chap. 127.

Mass.  
Archives,  
ccxiv., 194-196.  
Province  
Laws, xx.,  
1114, chap. 13.

## CHAPTER 379.

RESOLVE PERMITTING MARY WEEKS WITH HER EIGHT CHILDREN TO GO TO HALIFAX IN A FLAG HIRED BY HER FOR THAT PURPOSE, TAKING HER HOUSE FURNITURE.

ON THE PETITION of Mary Weeks,<sup>1</sup> praying that she may have Permission to go to Halifax with her eight Children:

*Resolved*, That the Prayer of the Petition be granted, and the said Mary Weeks is accordingly hereby permitted with eight Children to proceed to Halifax, and to carry with her House Furniture, she being at the Expence of hiring a small Vessel for that Purpose; and the Council are hereby requested to grant the necessary Papers to constitute such Vessel a proper Flag of Truce, said Mary Weeks and her said Children nor either of them again to return to this State without Leave of the General Court. [*Passed October 1.*]

Legislative  
Records of the  
Council,  
xl., 23.  
Mass.  
Archives,  
clxxxv., 281.  
Mass.  
Resolves,  
Sept. Session,  
chap. 131.

Mass.  
Archives,  
clxxxv., 280.

<sup>1</sup> Wife of the Rev. Joshua Wingate Weeks, late Rector of St. Michael's Church in Marblehead.



## CHAPTER 380.

RESOLVES FOR CLEARING UP SOME DOUBTS RESPECTING THE SUPPLY OF THE FAMILIES OF SOLDIERS THAT ARE IN THE CONTINENTAL ARMY OUT OF THE 20s. PER MONTH ADVANCED BY SAID SOLDIERS.

Legislative  
Records of the  
Council,  
xl., 24.  
Mass.  
Archives,  
ccxxiv., 212.  
Mass.  
Resolves,  
Sept. Session,  
chap. 129.

Province  
Laws, xx., 159,  
chap. 406.

WHEREAS Doubts have arisen in the Minds of the Committee on Accounts with respect to some Accounts preferred to them by the Selectmen and Committees of some Towns and Plantations in this State, relating to the supply of the Soldiers Families that are in the Continental Army: Therefore

*Resolved*, That the said Soldiers in the Continental Army shall still continue to advance to the Selectmen and Committees of the several Towns and Plantations in this State the Twenty Shillings per Month as ordered in a Resolve of this Court of the tenth of October, 1777; and when the Selectmen or Committees of any Town exhibit their Accounts, and do not give Credit for the Twenty Shillings aforesaid, said Twenty Shillings shall be deducted from said Accounts, and where Money is paid to any of said Soldiers Families in lieu of Necessaries ordered to supply said Families, the Committee on Accounts in passing such Accounts shall make it their Rule to allow such Monies to be as much per Month as the Twenty Shillings would purchase at the regulated Price if laid out in Produce in the same Town, and no more. And whereas the Selectmen and Committees of some Towns have made Oath to their Accounts already exhibited to said Committee, before the Town-Clerk, where there is no Justice of the Peace: It is further

*Resolved*, That said Oath shall be deemed a sufficient Voucher for said Accounts. [*Passed October 1.*]

## CHAPTER 381.

RESOLVE SENDING THREE PRISONERS TO BARNSTABLE TO BE EXCHANGED FOR SETH CROCKER, THOMAS CONNANT AND JONATHAN NOBBY, NOW CONFINED ON THE SHIP RESTORATION, BEING TAKEN BY THE TORY FLEET LATELY AT NANTUCKET.

Legislative  
Records of the  
Council,  
xl., 25.  
Mass.  
Archives,  
ccxxiv., 210.  
Mass.  
Resolves,  
Sept. Session,  
chap. 136.

Mass.  
Archives,  
ccxxiv., 211.

ON THE PETITION of Thomas Crocker, praying that he may be enabled (by a Flag or otherwise) to effect the Exchange of Seth Crocker, Son of the Petitioner, and Thomas Connant and Jonathan Nobby, Inhabitants of Barnstable, in the County of Barnstable, who were made Prisoners by the Tory-Fleet [of Sheep Stealers]<sup>1</sup> lately at Nantucket, and are now confined on board the Restoration, as set forth in his Petition:

*Resolved*, That the Honorable Council of this State be desired to order a like Number of Prisoners, being Seamen and Privates, now on board the Prison-Ship in the Harbour of Boston, to be conveyed to Barnstable by Water, to be confined in Prison there in the County Gaol, and that the Petitioner may be enabled by a Flag to proceed on board the [Ship]<sup>1</sup> Restoration, in order for the Exchange, the conveying the Prisoners and effecting the Exchange to be at the Expence of the Petitioner. [*Passed October 1.*]

<sup>1</sup> Massachusetts Archives, ccxxiv., 211.



## CHAPTER 382.

RESOLVES ADVANCING \$200,000 AND ANY FURTHER SUMS NECESSARY TO COL. FREEMAN AND MAJ. OSGOOD, COMMITTEE TO REPAIR TO THE ARMY.

WHEREAS Col. Nathaniel Freeman and Maj. Samuel Osgood are appointed Commissioners to repair to the Army, in order to fill up this State's Quota of said Army: And whereas it is necessary that they should be furnished with Money to effect said Purpose: Therefore

*Resolved*, That the Treasurer of this State be and he is hereby directed to pay out of the public Treasury to the said Col. Nathaniel Freeman and Maj. Samuel Osgood a Sum not exceeding Two Hundred Thousand Dollars, they to be accountable for the same: And it is further

*Resolved*, That the Honorable Council be and hereby are empowered and requested to issue their Warrants on the Treasurer in favor of said Commissioners (during the Recess of the General Court) for such further Sums of Money as shall be found necessary to enable said Commissioners to carry said Purpose into Execution. [*Passed October 1.*]

Legislative  
Records of the  
Council,  
xl., 26.  
Mass.  
Archives,  
ccxiv., 209.  
Mass.  
Resolves,  
Sept. Session,  
chap. 135.  
*Ante*, p. 177,  
chap. 371.

## CHAPTER 383.

RESOLVE GRANTING £510. 2s. 3d. TO SAMUEL R. GERRY, COMMISSARY FOR THE SEA COAST MEN AT MARBLEHEAD, TO PURCHASE FLOUR FURNISHED AT HIS PRIVATE EXPENCE.

*Resolved*, That there be allowed and paid out of the public Treasury of this State to Samuel R. Gerry, Commissary for the Troops stationed at Marblehead, the Sum of Five Hundred and ten Pounds two Shillings and three Pence, to enable him to purchase twenty-two Hundred and twenty Pound weight of Flour, which he furnished at his own private Expence for the Use of said Troops, and for which he has not yet received but Three Hundred and Seventy-seven Pounds and seven Pence, which when paid will be in full for said Flour. [*Passed October 1.*]

Legislative  
Records of the  
Council,  
xl., 26.  
Mass.  
Resolves,  
Sept. Session,  
chap. 138.

## CHAPTER 384.

RESOLVE DIRECTING MAJ. LITHGOW, COMMANDER OF THE SEA COAST MEN IN LINCOLN COUNTY, TO PROVIDE A HOSPITAL AND A SURGEON OR SURGEONS TO ATTEND ANY ONE WHO PRODUCES A CERTIFICATE FROM HIS COMMANDING OFFICER.

YOUR COMMITTEE on Dr. Eliphalet Downer's letter have attended that Service and beg leave to report by way of Resolve:

*Resolved*, That Maj. William Lithgow, Commander of the Troops raised in the County of Lincoln, for guarding the Sea-Coast in said County, be and he is hereby directed to provide a Hospital and apply to a Surgeon or Surgeons as the Case may require, to attend on any Person in his Department who shall produce a Certificate from the Officer who commands the Company to which he belongs, setting forth that he is in the Service of this State and stands in need of a Surgeon, and that the

Legislative  
Records of the  
Council,  
xl., 27.  
Mass.  
Archives,  
ccxiv., 237.  
Mass.  
Resolves,  
Sept. Session,  
chap. 139.  
Mass.  
Archives,  
ccxiv., 238.



Surgeon who shall so attend on any Soldier in that Department be and he hereby is ordered to lay his Accounts before the Committee on Accounts for Payment. [*Passed October 2.*]

## CHAPTER 385.

RESOLVE REQUESTING THE COUNCIL TO RETALIATE UPON A BRITISH OFFICER, OF EQUAL RANK WITH CAPT. DAVID ROPES UNTIL SAID CAPT. ROPES IS LIBERATED AND EXCHANGED.

Legislative  
Records of the  
Council,  
xl., 27.  
Mass.  
Archives,  
clxxxv., 336.  
Mass.  
Resolves,  
Sept. Session,  
chap. 142.

Mass.  
Archives,  
clxxxv., 333.

WHEREAS it is represented to this Court that Daniel [David]<sup>1</sup> Ropes, late Commander of the Brig: called the Wild Cat, had the Misfortune of being taken by the Surprise Frigate, and carried into Newfoundland, and from thence to Halifax, and there kept in Irons and confined under a strong Guard, and treated in a very cruel Manner: And whereas such Treatment is inconsistent with the general Practice and Usage of civilized Nations, when at War with each other, and altogether unjustifiable: Therefore

*Resolved*, That the Major Part of the Honorable Council be requested to issue their Order that some British Officer who is now a Prisoner, and of equal Rank with the said Capt. Ropes, be immediately committed to close Prison, and there confined until the said Capt. Ropes may be liberated and exchanged, and that the Council take the earliest Opportunity to remonstrate to the Commanding-Officer of the British Forces by Sea and Land at New-York and Halifax on the Subject. [*Passed October 2.*]

## CHAPTER 386.

RESOLVE REQUESTING THE COUNCIL TO RETALIATE UPON THE SURGEON OF THE BRITISH SLOOP OF WAR (LATELY CAPTURED BY THE DEAN AND BOSTON FRIGATES) FOR THE ILL TREATMENT OF DR. JOHN QUIN, LATE SURGEON OF THE PRIVATEER SULLIVAN, NOW PRISONER AT HALIFAX.

Legislative  
Records of the  
Council,  
xl., 28.  
Mass.  
Archives,  
clxxxv., 351.  
Mass.  
Resolves,  
Sept. Session,  
chap. 141.

Mass.  
Archives,  
clxxxv., 349, 350.

THE COMMITTEE of both Houses appointed to take into Consideration the Letter from the Committee of Safety for the State of New-Hampshire, and report what may be proper to be done thereon, ask Leave to report, That whereas it is clearly represented to them that Dr. John Quin, late Surgeon of the private armed Ship Sullivan, now a Prisoner at Halifax, is treated in a most cruel and unprecedented Manner, under pretence of his being a Deserter from the British Service, when he was compelled into it by their Inhumanity: Therefore

*Resolved*, That the Honorable Council be and hereby are requested as soon as may be to issue their Order that the Surgeon of the British Sloop of War, lately captured by the Dean and Boston Frigates, be immediately committed to and retained in close Prison until the said Dr. John Quin be liberated; and that the Council as early as possible remonstrate to the Commanding-Officer of the British Forces by Sea and Land at New York and Halifax on the Subject.

which is respectfully Submitted

OLIVER PRESCOTT per Order.

Read and Accepted. [*Passed October 2.*]

<sup>1</sup> The petition Massachusetts Archives, clxxxv., 333, reads "David." Council order May 22, 1779, David Ropes, commissioned Commander of Brigantine Wild Cat, Massachusetts Archives, clxx., 133.



## CHAPTER 387.

RESOLVE PERMITTING JAMES VERNOR AND JOHN TAYLOR TO COLLECT THEIR GOODS SCATTERED ON THE ROAD BETWEEN BOSTON AND SPRINGFIELD ON ACCOUNT OF THE LATE EMBARGO, TO TRANSPORT THEM TO SPRINGFIELD AND THERE TO SELL OR STORE THEM.

ON THE PETITION of James Vernon [Vernor]<sup>1</sup> and John Taylor, of Albany in the State of New-York, praying they may have Liberty to collect a Quantity of Goods they were transporting from Boston to Albany aforesaid, scattered upon the Road thereon Account of the passing the late Embargo Act, while the Teams were on the Way thither, and representing said Goods to be much exposed in their present Situation:

*Resolved*, That the said James Vernon [Vernor] and John Taylor be and they are hereby permitted to collect said Goods left on the Road between Boston and Springfield, and transport them to Springfield in the County of Hampshire in this State, and there sell them to the Inhabitants of this State, to be consumed within the same, or store them there as they may think proper, and a Copy of this Resolve attested by the Secretary shall be their sufficient Permit for the Purpose aforesaid. Any thing in the said Embargo Act to the contrary notwithstanding. [*Passed October 4.*<sup>2</sup>

Legislative  
Records of the  
Council,  
xl., 28.

Mass.  
Archives,  
ccxiv., 251.

Mass.  
Resolves,  
Sept. Session,  
chap. 143.

Mass.  
Archives,  
ccxiv., 250, 252.  
*Ante*, p. 174,  
chap. 363.  
Province  
Laws, v. 1114,  
chap. 13.

## CHAPTER 388.

RESOLVE FOR PRINTING THE CIRCULAR LETTER FROM THE CONTINENTAL CONGRESS AND REQUESTING THE MINISTERS TO READ THE SAME TO THEIR RESPECTIVE ASSEMBLIES.

*Resolved*, That the Circular Letter received from the Honorable Continental Congress be printed in Pamphlets and sent to the several Ministers of the Gospel in the Towns and Parishes within this State; and the said Ministers are hereby requested to read the same to their respective religious Assemblies the first Sabbath after receiving the same, immediately after Divine Service. [*Passed October 4.*<sup>3</sup>

Legislative  
Records of the  
Council,  
xl., 29.

Mass.  
Archives,  
ccxiv., 249.

Mass.  
Resolves,  
Sept. Session,  
chan. 149.

A CIRCULAR LETTER FROM THE CONGRESS OF THE UNITED STATES OF AMERICA TO THEIR CONSTITUENTS.

*Friends and Fellow Citizens!*

In Governments raised on the generous, principles of equal liberty, where the rulers of the state are the servants of the people, and not the masters of those from whom they derive authority: it is their duty to inform their fellow citizens of the state of their affairs, and by evincing the propriety of public measures, lead them to unite the influence of inclination to the force of legal obligation in rendering them successful. This duty ceases not, even in times of the most perfect peace, order and tranquility, when the safety of the commonwealth is neither endangered by force or seduction from abroad, or by faction, or treachery, or misguided ambition from within. At this season, therefore, we find ourselves in a particular manner impressed with a sense of it, and can no longer forbear calling your attention to a subject much misrepresented, and respecting which dangerous as well as erroneous opinions have been held and propagated: we mean our finances.

The ungrateful despotism and inordinate lust of domination which marked the unnatural designs of the British King and his venal Parliament to enslave the people of America, reduced you to the necessity of either asserting your rights by arms, or ingloriously passing under the yoke. You nobly preferred war. Armies were then to be raised, paid and supplied: Money became necessary for these purposes. Of your own there was but little: and of no nation in the world could you

<sup>1</sup> Massachusetts Archives, ccxiv., 250, autograph, though Legislative Records of the Council, xl., 28, and Massachusetts Archives, ccxiv., 251, read "Vernon."

<sup>2</sup> This date is same in Massachusetts Resolves, but October 2 according to Legislative Records of the Council.

<sup>3</sup> This date is October 2, according to Legislative Records of the Council and Massachusetts Resolves.



then borrow. The little that was spread among you could be collected only by taxes, and to this end regular governments were essential: of these you were also destitute. So circumstanced, you had no other resource but the natural value and wealth of your fertile country. Bills were issued on the credit of this bank, and your faith was pledged for their redemption. After a considerable number of these had circulated, loans were solicited, and officers for the purpose established. Thus a national debt was unavoidably created, and the amount of it is as follows:

	Dollars.
Bills emitted and circulating, . . . . .	159,948,880
Monies borrowed before the 1st of March, 1778, the interest of which is payable in France, . . . . .	7,545,196 67-90ths
Monies borrowed since the 1st of March, 1778, the interest of which is payable here, . . . . .	26,188,909
Money due abroad, not exactly known the balances not having been transmitted, supposed to be about . . . . .	4,000,000

For your further satisfaction we shall order a particular account of the several emissions, with the times limited for their redemption, and also of the several loans, the interest allowed on each, and the terms assigned for their payment, to be prepared and published.

The taxes have as yet brought into the treasury no more than 3,027,560, so that all the monies supplied to Congress by the people of America, amount to no more than 36,761,665 dollars and 67-90ths, that being the sum of the loans and taxes received. Judge then of the necessity of emissions, and learn from whom and from whence that necessity arose.

We are also to inform you, that on the 1st day of September instant we resolved "that we would on no account whatever emit more bills of credit than to make the whole amount of such bills two hundred millions of dollars, and as the sum emitted and in circulation amounted to 159,948,880 dollars, and the sum of 40,051,120 dollars remained to complete the two hundred million above mentioned, we on the 3rd day of September instant further resolved, that we would emit such part only of the said sum of 40,051,120 dollars as should be absolutely necessary for public exigencies before adequate supplies could otherwise be obtained, relying for such supplies on the exertions of the several states."

Exclusive of the great and ordinary expences incident to the war, the depreciation of the currency has so swelled the prices of every necessary article, and of consequence made such additions to the usual amount of expenditures, that very considerable supplies must be immediately provided by loans and taxes; and we unanimously declare it to be essential to the welfare of these states that the taxes already called for be paid into the continental treasury by the time recommended for that purpose. It is also highly proper that you should extend your views beyond that period, and prepare in season as well for bringing your respective quotas of troops into the field early the next campaign, as for providing the supplies necessary in the course of it. We shall take care to apprise you from time to time of the state of the treasury, and to recommend the proper measures for supplying it. To keep your battalions full, to encourage loans and to assess your taxes with prudence, collect them with firmness, and pay them with punctuality, is all that will be requisite on your part. Further ways and means of providing for the public exigencies are now under consideration, and will soon be laid before you.

Having thus given you a short and plain state of your debt, and pointed out the necessity of punctuality in furnishing the supplies already required, we shall proceed to make a few remarks on the depreciation of the currency, to which we entreat your attention.

The depreciation of bills of credit is always either natural or artificial, or both. The latter is our case. The moment the sum in circulation exceeded what was necessary as a medium in commerce, it began and continued to depreciate in proportion as the amount of the surplus encreased and that proportion would hold good until the sum emitted should become so great as nearly to equal the value of the capital or stock, on the credit of which the bills were issued. Supposing, therefore, that 30,000,000 was necessary for a circulating medium, and that 160,000,000 had issued, the natural depreciation is but little more than as five to one; But the actual depreciation exceeds that proportion, and that excess is artificial. The natural depreciation is to be removed only by lessening the quantity of money in circulation. It will regain its primitive value whenever it shall be reduced to the sum necessary for a medium of commerce. This is only to be effected by loans and taxes.

The artificial depreciation is a more serious subject, and merits minute investigation. A distrust (however occasioned) entertained by the mass of the people either in the ability or inclination of the United States to redeem their bills is the cause of it. Let us enquire how far reason will justify a distrust in the ability of the United States. The ability of the United States must depend on two things: First, the success of the present revolution, and secondly, on the sufficiency of the natural wealth, value and resources of the country.

That the time has been when honest men might, without being chargeable with timidity, have doubted the success of the present revolution, we admit; but that period is passed. The independence of America is now as fixed as fate, and the petulant efforts of Britain to break it down are as vain and fruitless as the raging of the waves which beat against their cliffs. Let those who are still afflicted with these doubts consider the character and condition of our enemies. Let them remember that we are contending against a kingdom crumbling into pieces; a nation without public virtue; and a people sold to and betrayed by their own representatives; against a Prince governed by his passions and a Ministry without confidence or wisdom; against armies half paid and generals half trusted; against a government equal only to plans of plunder, conflagration and murder a government by the most impious violations of the rights of religion, justice, humanity and man-



kind, courting the vengeance of Heaven and revolting from the protection of Providence. Against the fury of these enemies you made successful resistance, when single, alone, and friendless, in the days of weakness and infancy, before your hands had been taught to war or your fingers to fight. And can there be any reason to apprehend that the Divine Disposer of human events, after having separated us from the house of bondage, and led us safe through a sea of blood, towards the land of liberty and promise, will leave the work of our political redemption unfinished, and either permit us to perish in a wilderness of difficulties, or suffer us to be carried back in chains to that country of oppression, from whose tyranny he hath mercifully delivered us with a stretched out arm?

In close alliance with one of the most powerful nations in Europe which has generously made our cause her own, in amity with many others, and enjoying the good will of all, what danger have we to fear from Britain? Instead of acquiring accessions of territory by conquest, the limits of her empire daily contract: Her fleets no longer rule the ocean, nor are her armies invincible by land. How many of her standards, wrested from the hands of her champions, are among your trophies, and have graced the triumphs of your troops? And how great is the number of those, who, sent to bind you in fetters, have become your captives, and received their lives from your hands? In short, whoever considers that these states are daily increasing in power, that their armies have become veteran; that their governments, founded in freedom, are established; that their fertile country and their affectionate ally furnish them with ample supplies; that the Spanish monarch, well prepared for war, with fleets and armies ready for combat, and a treasury overflowing with wealth, has entered the lists against Britain; that the other European nations, often insulted by her pride, and alarmed by the strides of her ambition, have left her to her fate: That Ireland, wearied with her oppressions, is panting for liberty, and even Scotland displeased and uneasy at her edicts: Whoever considers these things, instead of doubting the issue of the war, will rejoice in the glorious, the sure and certain prospect of success.

This point being established, the next question is whether the natural wealth, value and resources of the country will be equal to the payment of the debt?

Let us suppose for the sake of argument, that at the conclusion of the war, the emissions should amount to 200,000,000, that exclusive of supplies from taxes, which will not be inconsiderable, the loans should amount to 100,000,000, then the whole national debt of the United States would be 300,000,000. There are at present 3,000,000 of inhabitants in the thirteen states: three hundred million of dollars divided among three million of people would give to each person one hundred dollars; and is there an individual in America unable in the course of eighteen or twenty years to pay it again? Suppose the whole debt assessed, as it ought to be, on the inhabitants in proportion to their respective estates, what would then be the share of the poorer people? Perhaps not ten dollars. Besides, as this debt will not be payable immediately, but probably twenty years allotted for it, the number of inhabitants by that time in America will be far more than double their present amount. It is well known that the Inhabitants of this country increased almost in the ratio of compound interest. By natural population they doubled every twenty years, and how great may be the host of emigrants from other countries cannot be ascertained. We have the highest reason to believe the number will be immense. Suppose that only ten thousand should arrive the first year after the war, what will those ten thousand with their families count in twenty years time? probably double the number. This observation applies with proportionable force to the emigrants of every successive year. Thus you see great part of your debt will be payable not merely by the present number of inhabitants, but by that number swelled and increased by the natural population of the present inhabitants, by multitudes of emigrants daily arriving from other countries, and by the natural population of those successive emigrants, so that every person's share of the debt will be constantly diminishing by others coming in to pay a proportion of it.

These are advantages which none but young countries enjoy. The number of inhabitants of every country in Europe remains nearly the same from one century to another. No country will produce more people than it can subsist, and every country, if free and cultivated, will produce as many as it can maintain. Hence we may form some idea of the future population of these States. Extensive wildernesses, now scarcely known or explored, remain yet to be cultivated, and vast lakes and rivers, whose waters have for ages rolled in silence and obscurity to the ocean, are yet to hear the din of industry, become subservient to commerce, and boast delightful villas, gilded spires and spacious cities rising on their banks.

Thus much for the number of persons to pay the debt. The next point is their ability. They who enquire how many millions of acres are contained only in the settled part of North America, and how much each acre is worth, will acquire very enlarged and yet very inadequate ideas of the value of this country. But those who will carry their enquiries further, and learn that we heretofore paid an annual tax to Britain of three millions sterling in the way of trade, and still grew rich; that our commerce was then confined to her; that we were obliged to carry our commodities to her market, and consequently to sell them at her price: that we were compelled to purchase foreign commodities at her stores, and on her terms, and were forbid to establish any manufactories incompatible with her views of gain; that in future the whole world will be open to us, and we shall be at liberty to purchase from those who will sell on the best terms, and to sell to those who will give the best prices, that as the country increases in number of inhabitants and cultivation, the productions of the earth will be proportionably increased and the riches of the whole proportionably greater. Whoever examines the force of these and similar observations, must smile at the ignorance of those who doubt the ability of the United States to redeem their bills.

Let it also be remembered that paper money is the only kind of money which cannot "make unto itself wings and fly away." It remains with us, it will not forsake us, it is always ready and at hand for the purpose of commerce or taxes, and every industrious man can find it. On the contrary should Britain like Nineveh



(and for the same reason) yet find mercy, and escape the storm ready to burst upon her, she will find her national debt in a very different situation. Her territory diminished, her people wasted, her commerce ruined, her monopolies gone, she must provide for the discharge of her immense debt by taxes to be paid in specie, in gold or silver perhaps now buried in the mines of Mexico or Peru, or still concealed in the brooks and rivulets of Africa or Indostan.

Having shewn that there is no reason to doubt the ability of the United States to pay their debt let us next enquire whether as much can be said for their inclination.

Under this head three things are to be attended to:

1st. Whether and in what manner the faith of the United States has been pledged for the redemption of their bills.

2d. Whether they have put themselves in a political capacity to redeem them. and

3d. Whether admitting the two former propositions, there is any reason to apprehend a wanton violation of the public faith.

1st. It must be evident to every man who reads the journals of Congress, or looks at the face of one of their bills, that Congress have pledged the faith of their constituents for the redemption of them.

And it must be equally evident, not only that they had authority to do so, but that their constituents have actually ratified their acts, by receiving their bills, passing laws establishing their currency; and punishing those who counterfeit them. So that it may with truth be said that the people have pledged their faith for the redemption of them, not only collectively by their representatives but individually.

2d. Whether the United States have put themselves in a political capacity to redeem their bills is a question which calls for more full discussion.

Our enemies, as well foreign as domestic, have laboured to raise doubts on this head. They argue that the confederation of the States remains yet to be perfected: that the Union may be dissolved; Congress be abolished, and each State resuming its delegated powers proceed in future to hold and exercise all the rights of sovereignty appertaining to an independent State. In such an event, say they, the continental bills of credit, created and supported by the union would die with it. This position being assumed, they next proceed to assert this event to be probable, and in proof of it urge our divisions, our parties, our separate interests, distinct manners, former prejudices, and many other arguments equally plausible and equally fallacious. Examine this matter.

For every purpose essential to the defence of these States in the progress of the present war, and necessary to the attainment of the objects of it, these States now are as fully, legally and absolutely confederated, as it is possible for them to be. Read the credentials of the different delegates who composed the Congress in 1774, 1775, and part of 1776. You will find that they establish an union for the express purpose of opposing the oppressions of Britain and obtaining redress of grievances. On the 4th of July, 1776, your representatives in Congress, perceiving that nothing less than unconditional submission would satisfy our enemies, did in the name of the people of the Thirteen United Colonies declare them to be free and independent States, and "for the SUPPORT of that declaration, with a firm reliance on the protection of Divine Providence, did mutually pledge to each other their LIVES, their FORTUNES and their SACRED HONOUR." Was ever confederation more formal, more solemn and explicit? It has been expressly assented to and ratified by every State in the union. Accordingly, for the direct SUPPORT of this declaration, that is for the support of the independence of these States, armies have been raised, and bills of credit emitted and loans made to pay and supply them. The redemption therefore of these bills, the payment of these debts, and the settlement of the accounts of the several States for expenditures or services for the common benefit and in this common cause, are among the objects of this confederation; and consequently while all or any of its objects remain unattained it cannot, so far as it may respect such objects, be dissolved, consistent with the laws of God or Man.

But we are persuaded, and our enemies will find, that our union is not to end here. They are mistaken when they suppose us kept together only by a sense of present danger. It is a fact which they only will dispute, that the people of these States were never so cordially united as at this day. By having been obliged to mix with each other, former prejudices have worn off, and their several manners become blended. A sense of common permanent interest, mutual affection (having been brethren in affliction) the ties of consanguinity daily extending, constant reciprocity of good offices, similarity in language, in governments, and therefore in manners, the importance, weight and splendor of the union, all conspire in forming a strong chain of connection, which must forever bind us together. The United Provinces of the Netherlands, and the united Cantons of Switzerland, became free and independent under circumstances very like ours: Their independence has been long established, and yet their confederacies continue in full vigour. What reason can be assigned why our union should be less lasting? Or why should the people of these States be supposed less wise than the inhabitants of those? You are not uninformed that a plan for a perpetual confederation has been prepared, and that twelve of the thirteen States have already acceded to it. But enough has been said to shew that for every purpose of the present war, and all things incident to it, there does at present exist a perfect solemn confederation, and therefore that the States now are and always will be in political capacity to redeem their bills, pay their debts, and settle their accounts.

3d. Whether, admitting the ability and political capacity of the United States to redeem their bills, there is any reason to apprehend a violation of the public faith?

It is with great regret and reluctance that we can prevail upon ourselves to take the least notice of a question which involves in it a doubt so injurious to the honor and dignity of America.

The enemy, aware that the strength of America lay in the union of her citizens, and the wisdom and integrity of those to whom they committed the direction of their affairs, have taken unwearied pains to disunite and alarm the people, to depreciate the abilities and virtue of their rulers, and to impair the confidence reposed



in them by their constituents. To this end repeated attempts have been made to draw an absurd and fanciful line of distinction between the Congress and the People, and to create an opinion and a belief that their interests and views were different and opposed. Hence the ridiculous tales, the invidious insinuations, and the whimsical suspicions that have been forged and propagated by disguised emissaries and traitors in the garb of patriots. Hence has proceeded the notable discovery that as Congress made the money they also can destroy it; and that it will exist no longer than they find it convenient to permit it. It is not surprising that in a free country, where the tongues and pens of such people are and must be licenced, such political heresies should be inculcated and diffused, but it is really astonishing that the mind of a single virtuous citizen in America should be influenced by them. It certainly cannot be necessary to remind you that your representatives here are chosen from among yourselves; that you are or ought to be acquainted with their several characters; that they are sent here to speak your sentiments, and that it is constantly in your power to remove such as do not. You surely are convinced that it is no more in their power to annihilate your money than your independence, and that any act of theirs for either of those purposes would be null and void.

We should pay an ill compliment to the understanding and honor of every true American, were we to adduce many arguments to shew the baseness or bad policy of violating our national faith, or omitting to pursue the measures necessary to preserve it. A bankrupt faithless republic would be a novelty in the political world, and appear among reputable nations like a common prostitute among chaste and respectable matrons. The pride of America revolts from the idea; her citizens know for what purposes these emissions were made, and have repeatedly plighted their faith for the redemption of them; they are to be found in every man's possession, and every man is interested in their being redeemed; they must therefore entertain a high opinion of American credulity, who suppose the people capable of believing on due reflection, that all America will, against the faith, the honor and the interest of all America be ever prevailed upon to countenance, support or permit so ruinous, so disgraceful a measure. We are convinced that the efforts and arts of our enemies will not be wanting to draw us into this humiliating and contemptible situation. Impelled by malice, and the suggestions of chagrin and disappointment at not being able to bend our necks to their yoke, they will endeavor to force or seduce us to commit this unpardonable sin, in order to subject us to the punishment due to it, and that we may thenceforth be a reproach and a by-word among the nations. Apprized of these consequences, knowing the value of national character, and impressed with a due sense of the immutable laws of justice and honor, it is impossible that America should think without horror of such an execrable deed.

If then neither our ability or inclination to discharge the public debt are justly questionable, let our conduct correspond with this confidence, and let us rescue our credit from its present imputations. Had the attention of America to this object been unremitted, had taxes been seasonably imposed and collected, had proper loans been made, had laws been passed and executed for punishing those who maliciously endeavoured to injure the public credit; had these and many other things equally necessary been done, and had our currency, notwithstanding all these efforts, declined to its present degree of depreciation, our case would indeed have been deplorable. But as these exertions have not been made, we may yet experience the good effects which naturally result from them. Our former negligences therefore should now animate us with hope, and teach us not to despair of removing by vigilance and application the evils which supineness and inattention have produced.

It has been already observed that in order to prevent the further natural depreciation of our bills we have resolved to stop the press, and to call upon you for supplies by loans and taxes. You are in capacity to afford them, and are bound by the strongest ties to do it. Leave us not therefore without supplies, nor let in that flood of evils which would follow from such a neglect. It would be an event most grateful to our enemies, and depend upon it they would redouble their artifices and industry to compass it. Be therefore upon your guard, and examine well the policy of every measure and the evidence of every report that may be proposed or mentioned to you, before you adopt the one or believe the other. Recollect that it is the price of the liberty, the peace and the safety of yourselves and posterity, that now is required; that peace, liberty and safety, for the attainment and security of which you have so often and so solemnly declared your readiness to sacrifice your lives and fortunes. The war, tho' drawing fast to a successful issue, still rages. Disdain to leave the whole business of your defence to your Ally. Be mindful that the brightest prospects may be clouded, and that prudence bids us be prepared for every event. Provide therefore for continuing your armies in the field till victory and peace shall lead them home, and avoid the reproach of permitting the currency to depreciate in your hands, when by yielding a part to taxes and loans, the whole might have been appreciated and preserved. Humanity as well as justice makes this demand upon you, the complaints of ruined widows, and the cries of fatherless children, whose whole support has been placed in your hands and melted away, have doubtless reached you, take care that they ascend no higher. Rouse therefore; strive who shall do most for his country; re-ignite that flame of patriotism which at the mention of disgrace and slavery blazed throughout America, and animated all her citizens. Determine to finish the contest as you began it, honestly and gloriously. Let it never be said that America had no sooner become independent than she became insolvent, or that her infant glories and growing fame were obscured and tarnished by broken contracts and violated faith, in the very hour when all the nations of the earth were admiring and almost adoring the splendor of her rising.

By the unanimous Order of Congress,

JOHN JAY, *President.*

PHILADELPHIA, September 13, 1779.



## CHAPTER 389.

Legislative  
Records of the  
Council,  
xl., 30.  
Mass.  
Archives,  
cexxiv., 248.  
Mass.  
Resolves,  
Sept. Session,  
chap. 147.  
Mass.  
Archives,  
cexxiv., 247.

RESOLVE GRANTING £350 TO WILLIAM BAKER, MESSENGER OF THE GENERAL COURT.

ON THE PETITION of William Baker, Messenger of the General Assembly, praying for Consideration for his Services:

*Resolved*, That there be allowed and paid out of the public Treasury to William Baker the Sum of Three Hundred and Fifty Pounds in full for his Services as Messenger to the Great and General Court to the fourth Wednesday in November next. [*Passed October 4.*]

## CHAPTER 390.

Legislative  
Records of the  
Council,  
xl., 31.  
Mass.  
Archives,  
cexxiv., 256.  
Mass.  
Resolves,  
Sept. Session,  
chap. 145.  
Mass.  
Archives,  
cexxiv., 257.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER CLOTHES, ETC., TO MAJ. WILLIAM LITHGOW, JR., AT THE SAME PRICE AS TO CONTINENTAL OFFICERS.

ON THE PETITION of [Maj.]<sup>1</sup> William Lithgow, jun.

*Resolved*, That the Board of War deliver the following Goods, viz. Cloth and Trimmings for a Coat, a Pair of Breeches, one Pair of Overalls, and eight Yards of Linen for two Shirts, unto said Lithgow or Order, he paying the same Price as the Continental Officers, he to account for the above at the Close of the Campaign he is engaged in. [*Passed October 4.*]

## CHAPTER 391.

RESOLVE DIRECTING THE COMMITTEE TO SUPPLY SMALL STORES TO DELIVER TO THE CORPS OF INVALIDS (QUARTERED IN BOSTON AND TOWNS ADJACENT) THEIR JUST PROPORTION AT THE USUAL PRICE.

Legislative  
Records of the  
Council,  
xl., 31.  
Mass.  
Archives,  
cexxiv., 245.  
Mass.  
Resolves,  
Sept. Session,  
chap. 148.  
*Ante*, p. 156,  
chap. 323.

WHEREAS the General Court have passed a Resolve to supply the Corps of Invalids with small Stores, and no Person being appointed to receive said Stores from the Committee and deliver them out: Therefore

*Resolved*, That the Committee appointed to supply that Part of the Continental Army raised by this State with small Stores, be and they hereby are directed to deliver to such Person as shall be appointed by the Officers of the Corps of Invalids (quartered in Boston and in the Towns adjacent) to receive such Quantity of small Stores as the Committee shall judge will be their just Proportion with the rest of the Army, they paying for the same the Price ordered to be received for such Stores. [*Passed October 4.*]

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, ix., 865.



## CHAPTER 392.

RESOLVE DIRECTING THE BOARD OF WAR TO FURNISH LIEUT. ANDREW GILMAN WITH CLOTHES, ETC., AT USUAL RATE, AND TO PAY HIM £18 PER MONTH IN ADDITION TO HIS PRESENT WAGES.

ON THE PETITION of Lieut. Andrew Gilman, praying for an Addition to his Wages, and to furnish him with Cloth sufficient for a Suit of Cloaths, and Linen for three Shirts, &c.

*Resolved*, That the Prayer of his Petition be granted, and that the Board of War be and hereby are directed to furnish said Gilman with Cloth sufficient for a Suit of Cloaths, Linen Cloth for three Shirts, two Pair of Stockings and one Pair of Shoes, he paying for said Articles at the same Rate the Continental Officers are supplied at, and Eighteen Pounds per Month in Addition to his present Wages. [*Passed October 4.*]

Legislative  
Records of the  
Council,  
xl., 32.  
Mass.  
Archives,  
ccxiv., 243.  
Mass.  
Resolves,  
Sept. Session,  
chap. 146.  
Mass.  
Archives,  
ccxiv., 244.

## CHAPTER 393.

RESOLVE APPOINTING MR. SAMUEL AUSTIN TO THE COMMITTEE TO SETTLE WITH THE MANAGERS OF THE LOTTERY IN THE ROOM OF MR. FRAZIER.

*Resolved*, That Mr. [Samuel]<sup>1</sup> Austin be of the Committee appointed by a Resolve of the 30th ult. to settle with the Managers of the Lottery, &c. in the room of Mr. [Moses]<sup>2</sup> Frazier absent. [*Passed October 4.*]

Legislative  
Records of the  
Council,  
xl., 33.  
Mass.  
Archives,  
ccxiv., 242.  
Mass.  
Resolves,  
Sept. Session,  
chap. 149.  
Ante, p. 171,  
chap. 356.

## CHAPTER 394.

RESOLVE DIRECTING THE COMMITTEES ON SALE OF ABSENTEES ESTATES TO TAKE OTHER METHODS OF ADVERTISING THEIR SALE IN ESSEX COUNTY AS A NEWSPAPER IS NOT NOW PUBLISHED THERE.

WHEREAS by a Resolve of the General Court of the 23d ult Committees were appointed in several Counties in the State to make Sale of certain Absentees Estates therein mentioned, and said Committees were therein directed to notify the Time and Place of said Sales in the Boston, Worcester and Essex Newspapers, and it being represented to this Court that there is not a News-Paper now published in the County of Essex: Therefore

*Resolved*, That the said Committees take such other Methods as they shall judge necessary to notify the Time and Place of such Sale in said County of Essex. [*Passed October 4.*]

Legislative  
Records of the  
Council,  
xl., 33.  
Mass.  
Archives,  
ccxiv., 241.  
Mass.  
Resolves,  
Sept. Session,  
chap. 144.  
Ante, p. 152,  
chap. 312.

<sup>1</sup> Of Boston.

<sup>2</sup> Of Newburyport.



## CHAPTER 395.

ORDER APPOINTING CAPT. BENJAMIN BONNEY TO THE COMMITTEE TO REPAIR TO WEST SPRINGFIELD IN THE ROOM OF CAPT. ELIJAH HUNT, EXCUSED.

Mass.  
Archives,  
ccxiv., 239.

*Act*, p. 32,  
chap. 63.

In the House of Representatives

*Ordered*, That Capt. [Benjamin]<sup>1</sup> Bonney be of the Committee appointed the 7th of June last to repair to the Town of West-Springfield in the room of Capt. [Elijah]<sup>2</sup> Hunt, excused.

In Council

Read and Concurred. [*Passed October 4.*]

## CHAPTER 396.

RESOLVE DIRECTING THE TREASURER TO PAY JOHN FRINK, ESQ., COLLECTOR FOR RUTLAND, £263. 8s. 1½d. OUT OF THE STATE TAX, CHARGING THE SAME TO THE CONTINENT, IT BEING THE TAXES ASSESSED ON THE ESTATE OF JOHN MURRAY, ESQ.

Legislative  
Records of the  
Council,

xl., 32.  
Mass.  
Archives,  
ccxiv., 253.

Mass.  
Resolves,  
Sept. Session,  
chap. 162.

Mass.  
Archives,  
ccxiv., 254, 255.

ON THE PETITION of John Frink, Esq., Collector for the Town of Rutland for the present Year, praying for the Directions of this Court, for Reasons set forth in said Petition:

*Resolved*, That Henry Gardner, Esq., Treasurer of this State, be and he hereby is directed to allow and pay to John Frink, Esq., Collector for the Town of Rutland, in the County of Worcester, the Sum of Two Hundred and sixty-three Pounds eight Shillings and one Penny Half-penny, out of the State-Tax committed to said Frink to collect, and charge the same Sum to the Continent, it being for Taxes assessed by the Town of Rutland on the Estate of John Murray, Esq., while under the Improvement of the Continent by Order of Gen. [William]<sup>3</sup> Heath. [*Passed October 5.*]<sup>4</sup>

## CHAPTER 397.

RESOLVE EMPOWERING MRS. MEHITABLE HYSLOP, WIFE OF WILLIAM, TO DISCHARGE A MORTGAGE OF EBENEZER GAY.

Legislative  
Records of the  
Council,

xl., 33.  
Mass.  
Archives,  
ccxiv., 284.

Mass.  
Resolves,  
Sept. Session,  
chap. 154.

Mass.  
Archives,  
ccxiv., 285, 286.

ON THE PETITION of Ebenezer Gay, praying to be discharged from a Mortgage Deed which he gave to William Hyslop, as it appears by Receipt that he has paid the full Sum with the Interest for which said Mortgage Deed was given:

*Resolved*, That Mrs. Mehitable Hyslop (Wife of the said William Hyslop) be and she hereby is empowered to discharge the said Ebenezer Gay from the said Mortgage Deed. [*Passed October 5.*]

<sup>1</sup> Of Chesterfield.

<sup>2</sup> Of Northampton.

<sup>3</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vii., 684.

<sup>4</sup> This date is same in Massachusetts Resolves, but October 4 according to Legislative Records of the Council.



## CHAPTER 398.

RESOLVE EMPOWERING THE ADMINISTRATRIX OF REV. SAMUEL KINGSBURY TO MAKE SALE OF REAL ESTATE IN MARTHA'S VINEYARD, GIVING SECURITY THAT THE NET PROCEEDS SHALL BE LAID OUT IN OTHER LANDS FOR THE ADVANTAGE OF HIS HEIRS.

ON THE PETITION of Jedidah Kingsbury, late an Inhabitant of Edgartown, in Duke's County, and Administratrix of the Estate of her late Husband Samuel Kingsbury, Clerk, praying that she may have Liberty to sell the real Estate her said Husband died seized of on Martha's-Vineyard, and lay out the Money arising by the Sale in other Lands in the interior Parts of the State for the Benefit of her said Husband's Heirs, for the Reasons set forth in her Petition:

*Resolved*, That the aforesaid Jedidah Kingsbury be and she hereby is empowered to make Sale of all the real Estate her late Husband Samuel Kingsbury died seized of on Martha's-Vineyard, for the most the same will fetch, and make and execute a good Deed or Deeds of Sale of the same, she the said Jedidah Kingsbury giving good Security to the Judge of Probate of the County of Duke's County, with sufficient Bondsmen to the Satisfaction of said Judge, that the neat Proceeds arising by said Sale shall be laid out in other Lands, to the Advantage of the Heirs of the aforesaid Samuel Kingsbury, deceased, and that the Deed or Deeds of said Lands, their Privileges and Appurtenances, shall be taken in such Manner and Form that the Widow and Children of the aforesaid Samuel Kingsbury, or their legal Representatives, shall inherit the same in Dower and in Fee, as they would have inherited by the Laws of this State if the said Samuel Kingsbury had died possessed of the same intestate. [*Passed October 5.*]

Legislative  
Records of the  
Council,  
xl., 34.  
Mass.  
Archives,  
ccxiv., 287.  
Mass.  
Resolves,  
Sept. Session,  
chap. 160.

Mass.  
Archives,  
ccxiv., 289, 290.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 399.

RESOLVE PERMITTING WILLIAM HUBBARD TO TRANSPORT TEN BOLTS OF DUCK TO NORWICH, CONN.

*Resolved*, That William Hubbard have and he hereby has Liberty to send one Team with the ten Bolts of Duck mentioned in his Petition to Norwich, in the State of Connecticut, as the said Duck is the Property of Messieurs Christopher Leffingwell and Jonathan Waldran. Any Act of Embargo of this State to the contrary notwithstanding. [*Passed October 5.*]

Legislative  
Records of the  
Council,  
xl., 35.  
Mass.  
Archives,  
ccxiv., 291.  
Mass.  
Resolves,  
Sept. Session,  
chap. 150.

Mass.  
Archives,  
ccxiv., 292.  
Province  
Laws, v., 1114,  
chap. 13.

## CHAPTER 400.

RESOLVE QUIETING HANNAH CONNER, SOLE LEGATEE UNDER THE WILL OF HER FORMER HUSBAND RALPH FISHER, IN POSSESSION OF ALL HIS REAL AND PERSONAL ESTATE, THOUGH HIS WILL DULY APPROVED BY FOSTER HUTCHINSON, ESQ., JUDGE OF PROBATE, WAS CARRIED OFF TO HALIFAX.

ON THE PETITION of Hannah Conner of Boston, in the County of Suffolk and State of Massachusetts-Bay:

*Resolved*, That Hannah Conner, late Hannah Fisher, of Boston, in the County and State aforesaid, possessed all the real and personal Estate of Ralph Fisher, her former Husband, who died

Legislative  
Records of the  
Council,  
xl., 35.  
Mass.  
Archives,  
ccxiv., 293.  
Mass.  
Resolves,



Sept. Session,  
chap. 156.  
Mass.  
Archives,  
ccxxiv., 294-296.

August 13th, 1775, which said Ralph gave her by his last Will and Testament, which was duly approved of by the Judge of Probate for the County of Suffolk, as appears by the Affidavits of two of the Witnesses, viz. John Cutler and Sarah Hood, now of Boston aforesaid, who was also at proving said Will, and also attest that Andrew Cazneau, of Boston, Attorney, who went off with the British Troops was also a Witness to said Will, and that they saw said Andrew sign as Witness to said Will; and notwithstanding the said Hannah is destitute of the Will of her late Husband as it has been carried off [to Halifax]<sup>1</sup> by Foster Hutchinson, Esq., late Judge of Probate for the County aforesaid, said Hannah is hereby considered as the lawful Owner and Possessor of all the real and personal Estate of Ralph Fisher aforesaid, to all Intents and Purposes as if said Will had not been carried off. [*Passed October 5.*]

## CHAPTER 401.

RESOLVES DIRECTING THE COMMISSARY GENERAL TO BORROW FROM THE CONTINENTAL AGENTS FOR THE TRUCK HOUSE AT FORT HALIFAX, SUCH ARTICLES AS HE CANNOT BUY, AND THE TREASURER TO PAY THE COMMISSARY GENERAL £10,000 TO PURCHASE ARTICLES FOR THE SUPPLY OF SAID TRUCK HOUSE.

Legislative  
Records of the  
Council,  
xl., 36.  
Mass.  
Archives,  
ccxxiv., 297.  
Mass.  
Resolves,  
Sept. Session,  
chap. 158.

ON THE MEMORIAL of Richard Devens, Commissary-General of this State, setting forth, that the Honorable Court have directed him to procure a Number of Articles for the Truck-House at Fort Halifax, which it is out of his Power to do unless he is supplied with Money:

*Resolved*, That Richard Devens be and he is hereby directed to apply to Messieurs [Samuel Allyne]<sup>2</sup> Otis and [David]<sup>2</sup> Henley, the Continental Agents in Boston, for the Loan of Such Articles as he cannot purchase to compleat said Supplies. And it is further

Mass.  
Archives,  
ccxxiv., 298.  
*Ante*, p. 173,  
chap. 360.

*Resolved*, That the Treasurer of this State be and he is hereby directed to pay to the said Richard Devens the Sum of Ten Thousand Pounds, to enable him to purchase the sundry Articles directed by a late Resolve of the General Court for the Supply of the Truck-House at Fort Halifax; he to be accountable for the same. [*Passed October 5.*]

## CHAPTER 402.

RESOLVE EMPOWERING THE HEIRS OF WILLIAM MAYCOCK TO SELL HIS MANSION HOUSE IN BACK ST., BOSTON.

Legislative  
Records of the  
Council,  
xl., 36.  
Mass.  
Archives,  
ccxxiv., 299.  
Mass.  
Resolves,  
Sept. Session,  
chap. 151.  
Mass.  
Archives,  
ccxxiv., 300-304.

ON THE PETITION of Joseph Jackson, John Jackson, Abigail Greenough and Thomas Greenough, shewing that the said Joseph, John and Abigail, together with Benjamin Jackson deceased, upon whose Estate the said Joseph is Administrator, and Richard and Sarah Jackson, Minors, and for whom the said Thomas Greenough is Guardian, are Heirs in common to the Estate of William Maycock, late of Boston, deceased, that said Estate includes a certain Mansion-House situate in Back-Street<sup>3</sup> in said Boston, which the Heirs aforesaid are desirous to sell; but as the said Richard and Sarah are Minors, said House cannot be sold without the Order of this Court, and pray that they may have Liberty to sell the same:

<sup>1</sup> *Post*, p. 200, chap. 417.

<sup>2</sup> Journals of the Continental Congress.

<sup>3</sup> Back Street is now included in Salem Street. (See A Record of Streets, Alleys, Places, etc., in the City of Boston, Boston, 1910.)



*Resolved*, That the Prayer of the Petition be granted, and that the said Joseph Jackson and others named in said Petition, and Heirs as aforesaid, be and hereby are impowered to make Sale of the above mentioned House for the most the same will fetch, and that the above named Thomas Greenough, in his said Capacity of Guardian to the said Richard and Sarah, be and he hereby is authorized and impowered to join with the other Heirs above mentioned to execute a good Deed or Deeds of the same; he giving proper Security to the Judge of Probate for the County of Suffolk, that after the Debts mentioned in said Petition are paid, that the said Richard and Sarah's Share of the overplus Money arising by said Sale shall be put and kept on Interest for the Use of the said Minors until they arrive at lawful Age, or he be otherwise legally discharged, and account with the said Judge for the same. [*Passed October 5.*]

## CHAPTER 403.

RESOLVES EMPOWERING THE ASSISTANT COMMISSARIES OF PURCHASES TO ISSUE PERMITS FOR THE TRANSPORTATION OF CONTINENTAL STORES, INCLUDING LIVE STOCK, AND PROVIDING PENALTIES FOR THEIR VIOLATION.

ON THE MEMORIAL of Messieurs [Charles]<sup>1</sup> Miller and [Jared]<sup>1</sup> Tracey, and others, A.C.P.<sup>2</sup> also Nathaniel Ruggles of Roxbury, A.C.P. representing to this Court that great Inconvenience arises in Consequence of a late Act of the General Assembly of this State, prohibiting all Articles from being forwarded to the Army, unless Passes for the same are signed by certain Persons mentioned in said Act:

*Resolved*, That Messieurs Miller and Tracey, A.C.P. be and they hereby are impowered to give Permits to any Teamer or Teamers loaded with Continental Stores, transporting from Town to Town in this State, or out of it: Provided, each of them first take the following Oath before some Justice of the Peace in the County of Suffolk, viz.

I A. B. do solemnly swear that I will not directly or indirectly give a Permit to any Teamer or Teamers or any other Person to carry any Goods, Wares or Merchandize but what is Continental Property for the Use of the Continental Army or Navy: So help me GOD.

And if any Teamer or Teamers shall have any Goods, Wares or Merchandize other than is contained in his Permit, it shall be liable to be stopped, seized and forfeited, in the same Way and Manner as is prescribed in the Act made to prevent sundry Articles being exported from this to the Neighbouring States. And it is further

*Resolved*, that Nathaniel Ruggles, A.C.P. of Roxbury, be and he hereby is impowered to give Permits to any of his Drovers of Live-Stock purchased for the Continental Army or Navy, to drive from Town to Town in this State, or out of it: Provided, he shall first take the following Oath before some Justice of the Peace in the County of Suffolk, viz.

I A. B. do solemnly swear that I will not directly or indirectly give a Permit to any Drover or any other Person to drive Live Stock but what is Continental Property, for the Use of the Continental Army or Navy: So help me GOD.

<sup>1</sup> Province Laws, xx., 302, chap. 807.

<sup>2</sup> Assistant Commissary of Purchases, Massachusetts Archives, cccxiv., 265.

Legislative  
Records of the  
Council,  
xl., 37.  
Mass.  
Archives,  
cccxiv., 263.  
Mass.  
Resolves,  
Sept. Session,  
chap. 165.

Mass.  
Archives,  
cccxiv., 265, 266.  
Province  
Laws, v., 1114,  
chap. 13.



And if any Drover shall have any more Live-Stock than is contained in his Permit, it shall be liable to be stopped, seized and forfeited, in the same Way and Manner as is prescribed in the Act made to prevent sundry Articles being exported from this to the Neighbouring States. And it is further

*Resolved*, That Joseph Baker, A.C.P. of Westborough, in the County of Worcester, be and he hereby is impowered to give Permits to any of his Drovers of Live-Stock purchased for the Continental Army or Navy, to drive from Town to Town in this State, or out of it: Provided, he shall first take the following Oath before some Justice of the Peace in the County of Worcester, viz.

I A. B. do solemnly swear that I will not directly or indirectly give a Permit to any Drover or any other Person to drive Live-Stock but what is Continental Property, for the Use of the Continental Army or Navy: So help me GOD.

And if any Drover shall have any more Live-Stock than is contained in his Permit, it shall be liable to be stopped, seized and forfeited, in the same Way and Manner as is prescribed in the Act made to prevent sundry Articles being exported from this to the Neighbouring States. [*Passed October 5.*]

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## CHAPTER 404.

RESOLVE DIRECTING THE BOARD OF WAR TO FURNISH THE STATE CLOTHIER WITH NECESSARY CLOATHING FOR THE CONTINENTAL TROOPS RAISED BY THIS STATE.

Legislative  
Records of the  
Council,  
xl., 39.  
Mass.  
Archives,  
ccxiv., 281.  
Mass.  
Resolves,  
Sept. Session,  
chap. 157.

WHEREAS the Honorable Congress by their Resolve of the 10th of September last earnestly recommended to the Government of the several States immediately to provide large Quantities of Cloathing for their respective Quota of Troops: Therefore

*Resolved*, That the Board of War be and they are hereby impowered and directed immediately to provide as large a Quantity of Cloathing as shall be necessary for the Use of the Troops belonging to that Part of the Continental Army that have or shall be raised by this State, and they are hereby directed to pay particular Attention to the Articles of Hats, Hose, Shirts, Blankets and Shoes, which are indispensibly necessary and immediately wanted, and that they cause the Cloathing so purchased or procured to be delivered to the State Clothier, from Time to Time as they may purchase or procure it, at such Place as he may direct. [*Passed October 5.*]

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## CHAPTER 405.

Legislative  
Records of the  
Council,  
xl., 40.  
Mass.  
Archives,  
ccxiv., 280.  
Mass.  
Resolves,  
Sept. Session,  
chap. 189.

RESOLVE EMPOWERING THE COUNCIL, DURING THE RECESS, TO SUSPEND THE EMBARGO ACT SHOULD THE HARTFORD CONVENTION THINK IT EXPEDIENT.

WHEREAS Commissioners have by this Court been appointed to meet at Hartford, in the State of Connecticut, on the 20th of October Instant such Commissioners as may be appointed by the States of New-Hampshire, Rhode-Island, Connecticut and New-York, to confer among other Matters, upon the Subject of Embargoes relative to the Inland Trade between the States above mentioned: Therefore

*Resolved*, That the Honorable Council of this State be and they hereby are authorized and impowered in the Recess of the General

Province  
Laws, v., 1114,  
chap. 13.  
*Ante*, p. 175,  
chap. 365.



Court, to suspend the Operation of an Act of this State intituled "An Act to prevent sundry Articles being exported from this to the neighbouring States, provided the Result of said Conference shall be in favour of repealing the Embargo Act of this and the other States. [*Passed October 5.*]

## CHAPTER 406.

RESOLVES EMPOWERING THE MANAGERS OF THE STATE LOTTERY TO RECEIVE THE FORMER PRIZES, \$50 NOTES, FOR 4TH CLASS TICKETS, AND DIRECTING THEM TO COMMENCE THE DRAWING OF THE 4TH CLASS ON THE 2ND WEDNESDAY OF DECEMBER, ALL UNSOLD TICKETS TO BE SEALED AND LODGED IN THE TREASURER'S OFFICE.

*Resolved*, That the Managers of this State Lottery be and they hereby are impowered and directed to receive in payment for Tickets in the fourth Class of said Lottery the Fifty Dollar Notes which they have paid for Prizes in any of the former Classes from any Persons offering the same. And it is further

*Resolved*, That the said Managers be and they are hereby directed to commence the Drawing the fourth Class of said Lottery on the 2nd Wednesday of December next, and that the Persons in whose Hands Tickets have been lodged for Sale shall on the said 2nd Wednesday of December next seal up in the Presence of some Magistrate all the Tickets they may respectively have on Hand unsold, on said Day, which Magistrate shall certify the same, to be transmitted with the said Tickets to the Managers as soon as possible after said 2nd Wednesday, who are to lodge the same in the Treasurer's-Office as heretofore directed. [*Passed October 5.*]

Legislative  
Records of the  
Council,  
xl., 40.  
Mass.  
Archives,  
cexxiv., 279.  
Mass.  
Resolves,  
Sept. Session,  
chap. 159.

*Annals*, p. 171,  
chap. 356.

## CHAPTER 407.

RESOLVE GRANTING LEAVE TO THE TOWN OF BOSTON TO REMOVE FENCES OF DR. SYLVESTER GARDINER, THE LATE JOHN BORLAND, ESQ., AND OTHERS TO WIDEN LONG LANE.

ON THE PETITION of the Selectmen and a great Number of other Inhabitants of the Town of Boston, praying to have Liberty to remove the Fences of certain sequestered Estates, in order to widen a certain Lane, known by the Name of Long-Lane,<sup>1</sup> for Reasons set forth in said Petition:

*Resolved*, That the Prayer of the Petition be granted, and that the Petitioners have Leave to remove the Fences standing on said sequestered Lands, at their own Expence, as follows, viz. beginning at the North East Corner of Doct. Sylvester Gardiner's House in said Lane, running a strait Line to the South-East Corner of the House of the late John Borland, Esq., and then by the East End of said House in a strait Line to Milk-Street. [*Passed October 5.*]

Legislative  
Records of the  
Council,  
xl., 41.  
Mass.  
Archives,  
cexxiv., 276.  
Mass.  
Resolves,  
Sept. Session,  
chap. 166.

Mass.  
Archives,  
cexxiv., 277.

<sup>1</sup> Long Lane is now Federal Street. (See A Record of the Streets, Alleys, Places, etc., in the City of Boston, Boston, 1910.)



## CHAPTER 408.

Legislative  
Records of the  
Council,  
xl., 41.  
Mass.  
Archives,  
clxxxiv., 354.  
Mass.  
Resolves,  
Sept. Session,  
chap. 161.

RESOLVE GRANTING AN ADDITIONAL PENSION OF £26. 13s. 4d. TO JOHN ROBBINS OF LEXINGTON, FOR THIS PRESENT YEAR.

ON THE PETITION of John Robbins of Lexington, a Pensioner, praying for an Addition to his Pension, for Reasons set forth in his Petition:

*Resolved*, That the Prayer of said Petition be granted, and that there be allowed and paid out of the public Treasury of this State the Sum of Twenty-six Pounds thirteen Shillings and four Pence, in Addition to his Pension the present Year. [*Passed October 5.*]

## CHAPTER 409.

Legislative  
Records of the  
Council,  
xl., 42.  
Mass.  
Archives,  
ccxiv., 273.  
Mass.  
Resolves,  
Sept. Session,  
chap. 153.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER TO DANIEL CUMMINGS ONE GOOD FIREARM IN LIEU OF THE ONE THAT WAS STOLEN.

ON THE PETITION of Daniel Cummings, praying for an Allowance for a Fire-Arm that was stolen from him when in the Service of this State:

*Resolved*, That the Board of War be and they are hereby directed to deliver to Daniel Cummings one good Fire-Arm in lieu of the one that was stole. [*Passed October 5.*]

## CHAPTER 410.

RESOLVE AUTHORIZING THE COUNCIL TO ISSUE WARRANTS IN FAVOR OF THE COMMITTEE OF ACCOUNTS NOT EXCEEDING £30,000.

Legislative  
Records of the  
Council,  
xl., 42.  
Mass.  
Archives,  
ccxiv., 272.  
Mass.  
Resolves,  
Sept. Session,  
chap. 161.

WHEREAS the Committee on Accounts have represented that the Money appropriated by the General Court to pay Accounts which might be by them allowed is expended, and as it is necessary that a further Sum be appropriated for that Purpose: Therefore

*Resolved*, That the Honorable Council be authorized to issue their Warrants from Time to Time on the Treasurer of this State in favour of the Committee appointed by the Council to concur in passing such Accounts for such Sums as they (the said Council) shall judge necessary for the Payment of such Accounts, provided the Amount of such Warrants shall not exceed the Sum of Thirty Thousand Pounds, said Committee to be accountable for the Money they shall receive. [*Passed October 5.*]

## CHAPTER 411.

RESOLVE DETACHING FIFTY-FOUR OFFICERS AND PRIVATES FROM THE REGIMENTS IN WORCESTER COUNTY TO DO DUTY AS GUARDS AT RUTLAND FOR SIX MONTHS, AND MAKING AN ESTABLISHMENT FOR THE SAME.

Legislative  
Records of the  
Council,  
xl., 42.  
Mass.  
Archives,  
ccxiv., 271.

WHEREAS it has been represented to this Court that the Time the Guards were to serve at Rutland is now expired: Therefore

*Resolved*, That the Honorable Major Part of the Council be and hereby are requested to issue their Orders to the Brigadier of the



County of Worcester, ordering him to detach from his Brigade one Captain, one Lieutenant and fifty non-commissioned Officers and private Soldiers, with one Drum and Fife, to do Duty as a Guard in Rutland, which Guard aforesaid to serve for six Months, and that the Guard aforesaid over and above their Continental Pay and Rations shall have the following Pay and Allowance, to a Captain Twelve Pounds, to a Lieutenant Nine Pounds, and to each non-commissioned Officer and private Soldier Thirteen Pounds for every Calendar Month while in said Service. [*Passed October 5.*]

Mass.  
Resolves,  
Sept. Session,  
chap. 152.

## CHAPTER 412.

RESOLVE GRANTING £50 TO ISAAC DAVENPORT, BEING THE BOUNTY AND GRATUITY DUE HIS SON.

ON THE PETITION of Isaac Davenport, praying that the General Court would cause Payment to be made to him for the Bounty and Gratuity due to his Son:

*Resolved*, That there be paid out of the public Treasury of this State to Isaac Davenport the Sum of Twenty Pounds, which was due to his Son for his Bounty, and the further Sum of Thirty Pounds, which was due to him for a Gratuity, agreeable to a Resolve of Court passed in April 1778. [*Passed October 5.*]

Legislative  
Records of the  
Council,  
xl., 44.  
Mass.  
Archives,  
ccxiv., 259.  
Mass.  
Resolves,  
Sept. Session,  
chap. 167.

Mass.  
Archives,  
ccxiv.,  
260-261a.  
Province  
Laws, xx., 386,  
chap. 1000.

## CHAPTER 413.

RESOLVE DIRECTING THE BOARD OF WAR TO SEND THE LINCOLN GALLEY EASTWARD FOR WOOD IN PLACE OF THE BRIGANTINE RISING EMPIRE.

WHEREAS a Resolve passed this Court the 24th of September directing the Board of War to send the Brig: Rising Empire to the Eastward for Wood, and whereas the said Board of War have represented that it is inconvenient to send the said Brig: on said Business: Therefore

*Resolved*, That the Board of War be directed to suspend sending said Brig: for Wood at present, and that they employ the Lincoln Galley (when she can be spared from other Service) for the Purpose of bringing Wood from such Place as they shall judge best. [*Passed October 5.*]

Legislative  
Records of the  
Council,  
xl., 44.  
Mass.  
Archives,  
ccxiv., 262.  
Mass.  
Resolves,  
Sept. Session,  
chap. 163.

Mass.  
Archives,  
cxlii., 167.  
*Ante*, p. 154,  
chap. 316.

## CHAPTER 414.

RESOLVE ALLOWING THE TREASURER'S ACCOUNTS FOR WORCESTER COUNTY.

ON THE ACCOUNTS of Nathan Perry, Treasurer of the County of Worcester.

Whereas it appears upon examination of the County Treasurer's Accounts for the County of Worcester that all the Monies granted and allowed by the General Session of the Peace for said County for the Year 1778 to June 1779, were for such Purposes and Appropriations as the Law impowered the said Court to grant, and the Ballance due to the County is Fifteen Hundred and Twenty-four Pounds three Shillings and three Pence three Farthings: Therefore

*Resolved*, That the said Accounts be allowed. [*Passed October 5.*]

Mass.  
Archives,  
ccxiv., 283.  
Mass.  
Resolves,  
Sept. Session,  
chap. 155.



## CHAPTER 415.

Legislative  
Records of the  
Council,  
xl., 24.  
Mass.  
Archives,  
ccxiv., 340.  
Mass.  
Resolves,  
Sept. Session,  
chap. 170.

Mass.  
Archives,  
ccxiv., 341.  
*Ante*, p. 180,  
chap. 375.

RESOLVE ALLOWING PHILIP GOUDY TO CARRY 40 BUSHELS OF GRAIN TO CAPE PURSUE, N. S., IN ADDITION TO WHAT IS NOW ON BOARD HIS VESSEL.

ON A SECOND PETITION of Philip Goudy, an Inhabitant of Cape-Porsue, in the Province of Nova-Scotia, praying for Liberty to carry with him to said Cape-Porsue forty Bushels of Grain, in Addition to what is now on board the Vessel now in this Harbour, in which the Petitioner was permitted to proceed to Cape-Porsue:

*Resolved*, That the Prayer of the Petition be granted, and that the Petitioner have Leave to purchase and carry with him to Cape-Porsue forty Bushels of Grain for the Use of his Family there. [*Passed October 6.*<sup>1</sup>]

## CHAPTER 416.

RESOLVE PERMITTING JONATHAN CHILD, COMMISSARY OF PURCHASES, TO TRANSPORT 100 BUSHELS OF SALT AND 500 GALLONS OF RUM TO CORNISH, N. H., FOR PUBLIC USES.

Legislative  
Records of the  
Council,  
xl., 43.  
Mass.  
Archives,  
ccxiv., 267.

Mass.  
Archives,  
ccxiv., 268–270.  
Province  
Laws, v., 1114,  
chap. 13.

ON THE PETITION of Jonathan Child, Esq., Commissary of Purchases for the Northern Department, praying the aid of this Court.

*Resolved*, that the Prayer of the Petition of Jonathan Child, Esq., Commissary of Purchases for the Northern Department be so far granted as that he be, and he hereby is permitted to carry out of any part of this State by his Assistant Ebenezer Brewer, One hundred Bushells of Salt and five hundred Gallons of Rum to the Town of Cornish [New Hampshire]<sup>2</sup> on Connecticut River for those public uses mentioned in said Petition anything in the Embargo Act to the contrary notwithstanding. [*Passed October 6.*<sup>3</sup>]

## CHAPTER 417.

RESOLVE CONFIRMING A COPY OF THE LAST WILL AND TESTAMENT OF ROBERT FORD, LATE OF BOSTON, DECEASED, THE ORIGINAL WITH THE RECORDS HAVING BEEN CARRIED TO HALIFAX, AND EMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF SUFFOLK TO GRANT ADMINISTRATION, WITH WILL ANNEXED, THE EXECUTORS BEING DEAD.

Legislative  
Records of the  
Council,  
xl., 45.  
Mass.  
Archives,  
ccxiv., 332.  
Mass.  
Resolves,  
Sept. Session,  
chap. 186.  
Mass.  
Archives,  
ccxiv., 336.

ON THE PETITION of William Winter, setting forth that the Writing presented with said Petition is a true Copy of the last Will and Testament of Robert Ford, late of Boston, Mariner, deceased, and also of the Probate thereof, and as the original Will and Probate Records are carried off to Halifax and cannot be procured, prays that the said Writing may be confirmed as the last Will and Testament of the said Robert Ford, and the Honorable Judge of Probate for the County of Suffolk be enabled to grant Administration thereon:

*Resolved*, That the Writing presented with said Petition, purporting to be the last Will and Testament of Robert Ford, late of

<sup>1</sup> This date is same in Massachusetts Resolves, but October 1 according to Legislative Records of the Council.

<sup>2</sup> Massachusetts Archives, ccxiv., 270.

<sup>3</sup> This date is October 5 according to Legislative Records of the Council.



Boston, in the County of Suffolk, Mariner, deceased, bearing Date the twenty-ninth Day of November 1765, signed Robert Ford, and attested by Foster Hutchinson, late Judge of Probate for said County, be and hereby is confirmed as the last Will of the said Robert; and the Judge of Probate for the County of Suffolk is hereby impowered to grant Administration with the Will annexed, as the Law in such Case directs, the Executors named in said Will, being dead and the Estate unsettled. [*Passed October 6.*]

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## CHAPTER 418.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER 12 BARRELS OF POWDER, 40 BARRELS OF BEEF AND 5,000 WEIGHT OF BREAD TO WILLIAM ERSKINE, TO BE DISCOUNTED FROM WHAT IS DUE HIM FOR THE CHARMING SALLY LOST IN THE PENOBSCOT EXPEDITION.

ON THE PETITION of William Erskine, praying for twelve Barrels of Powder, forty Barrels of Beef and Five Thousand Weight of Bread:

*Resolved*, That the Prayer of his Petition be granted, and the Board of War be and they hereby are directed to deliver to the said William Erskine, or his Order, twelve Barrels of Powder, forty Barrels of Beef, and five Thousand Weight of Bread; he giving a Receipt for what he may receive of those Articles, to be discounted out of what is due to him for the Ship Charming Sally and her Appurtenances, which was lost in the late Expedition to Penobscot. [*Passed October 6.*]

Legislative  
Records of the  
Council,  
xl., 45.  
Mass.  
Archives,  
ccxiv., 337.  
Mass.  
Resolves,  
Sept. Session,  
chap. 181.

Mass.  
Archives,  
ccxiv., 338;  
ccxxxv., 48.

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## CHAPTER 419.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER A WHALE-BOAT, OR ANY OTHER SMALL BOAT, TO CAPT. JOHN WASHBURN FOR THE USE OF THE GARRISON AT THE GURNET.

ON THE REPRESENTATION and Prayer of Capt. John Washburn, praying that he may have a Boat for the Use of the Garrison at the Gurnet:

*Resolved*, That the Board of War be directed, and they are hereby directed to deliver to Capt. John Washburn a Whale-Boat or any other small Boat for the Use of said Garrison. [*Passed October 6.*]

Legislative  
Records of the  
Council,  
xl., 46.  
Mass.  
Archives,  
clxxxv., 247.  
Mass.  
Resolves,  
Sept. Session,  
chap. 169.

Mass.  
Archives,  
clxxxv., 247.

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## CHAPTER 420.

RESOLVES FOR GARRISONING THE CASTLE AND THE FORT ON GOVERNOR'S ISLAND FOR THREE YEARS WITH OFFICERS AND MATROSSES, INDEPENDENT OF ANY OTHER CORPS; THAT THE MILITIA COMPANIES OF CHARLESTOWN, DORCHESTER AND WEYMOUTH SERVE AS MATROSSES SIX DAYS A YEAR AT SAID FORTS; THAT ONE COMPANY OF MATROSSES FROM BOSTON DO DUTY AT FORT HILL OR AT THE FORTS IN AND ABOUT THE HARBOR, AND MAKING AN ESTABLISHMENT FOR THE SAME.

WHEREAS it is expedient for the Safety and Good of this State that the Castle and Fort on Governor's Island in the Harbour of Boston, should be garrisoned as soon as may be with Officers and Matroses, independent of any other Corps: Therefore, it is

Legislative  
Records of the  
Council,  
xl., 46.  
Mass.  
Archives,  
ccxiv., 330.



Mass.  
Resolves,  
Sept. Session,  
chap. 168.

*Resolved*, That there be appointed and commissioned for said Purpose,

Province  
Laws, v., 583,  
chap. 14.

1 Captain,  
1 Captain-Lieutenant,  
1 First-Lieutenant,

1 Gunner,  
1 Gunner's Mate,  
6 Quarter Gunners,

3 Serjeants,  
3 Corporals, and  
88 Privates,

to be properly organized into one Company, the Non-commission Officers and Privates to be inlisted for the Term of three Years, to do Garrison Duty at said Forts, said Non-commission Officers and Privates not to be called off from said Duty for any other than what belongs to said Forts.

*Resolved*, That the following Establishment be allowed to the Officers and Men who shall compose said Company, viz.

Captain-Lieutenant, Nine Pounds per Month,  
First-Lieutenant, Six Pounds per Month,  
Gunner, Five Pounds per Month,  
Gunner's Mate, Four Pounds per Month,  
Each Quarter Gunner, Two Pounds ten Shillings per Month,  
Each Serjeant, Two Pounds eight Shillings per Month,  
Each Corporal, Two Pounds four Shillings per Month, and a  
Drum and Fife, Two Pounds four Shillings each per Month,  
Each Matross, Forty Shillings per Month.

And each Non-commission Officer and Private in said Company shall receive one Suit of Cloaths a Year, each Year they shall continue in said Service, and the Pay of each Officer and Soldier shall be made good, taking for a Measure the Prices of the Necessaries of Life set in a late Act of this State intituled "An Act to prevent Monopoly and Oppression," and their several Accounts settled, and Balances that may be due paid once a Year. And it is further

*Resolved*, That the Militia Company belonging to the Town of Charlestown (and being within the Neck) in the County of Middlesex, and the two Companies of Militia belonging to the Town of Dorchester, and one Company of Militia belonging to the Town of Weymouth in the County of Suffolk, be designed for and do Duty as Matrosses six Days in a Year at least at said Forts, and to be under the same Regulations and Advantages as they were in the Year 1773, excepting Draughts, and that said Companies receive Rations on the Days they shall so muster and do Duty at said Forts, and the Honorable the Council are requested to issue their Orders accordingly.

*Resolved*, That there be raised from the Regiment of Militia belonging to the Town of Boston one Company of Matrosses, properly officered and accoutred, who shall do Duty at Fort-Hill, or at the Forts in and about the Harbour of Boston, said Company to be under the same Advantages and Regulations as were the Companies belonging to the South and North Batteries in the Year 1773, excepting Draughts; and the Honorable Council are requested to commission suitable Officers for said Purpose. [*Passed October 6.*]

## CHAPTER 421.

RESOLVE ENTITLING ABNER KENT, WOUNDED AT THE BATTLE ON THE HEIGHTS OF CHARLESTOWN, HALF PAY FROM JAN. 1, 1776.

ON THE REPRESENTATION of John Lucas, Commissary of Continental Pensioners, in behalf of Abner Kent, late a Soldier in Col. [William]<sup>1</sup> Prescott's Regiment and Capt. Abijah Weyman's

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xii., 753.



Company, who was wounded by a Musket-Ball in his Arm at the Battle on the Heights of Charlestown, in April [*sic*] 1775;

*Resolved*, That the said Abner Kent is intitled to Half-pay to commence the 1st of January 1776. [*Passed October 6.*]

Mass.  
Archives,  
ccxiv., 306.  
Province  
Laws, xx., 101,  
chap. 253.

## CHAPTER 422.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER SAMUEL KING AND OTHERS ONE COARSE RUG EACH, THEY PAYING FOR THE SAME.

Legislative  
Records of the  
Council,  
xl., 48.  
Mass.  
Archives,  
ccxiv., 321.  
Mass.  
Resolves,  
Sept. Session,  
chap. 187.

ON THE PETITION of Samuel King, John Wingate and John Francis, praying for Leave to purchase of the Board of War a coarse Rug for each of them:

*Resolved*, That the Board of War be and they are hereby directed to deliver to Samuel King, John Wingate and John Francis one coarse Rug each, they paying for the same agreeable to a Resolve of the General Court of June, 1778. [*Passed October 6.*]

Mass.  
Archives,  
ccxiv., 322.  
Province  
Laws, xx., 451,  
chap. 75.

## CHAPTER 423.

RESOLVE PERMITTING JACOB HASTINGS OF NEW WINDSOR, VT., TO TRANSPORT SALT OUT OF THE STATE TO THE VALUE OF THE FLOUR HE BROUGHT IN.

Legislative  
Records of the  
Council,  
xl., 49.  
Mass.  
Archives,  
ccxiv., 317.  
Mass.  
Resolves,  
Sept. Session,  
chap. 175.

ON THE PETITION of Jacob Hastings of New-Windsor [in the State of Vermont],<sup>1</sup> setting forth that he has brought a Load of Flour from said Windsor as far as Roxbury, and purposes to bring the same into this Town for Sale, if he can have a Permit to carry out as much Salt as the said Flour will purchase:

*Resolved*, That the Prayer of the Petition be granted, and that he have Leave to transport out of this State by Land as much Salt as the Amount of the Sales of his Flour will purchase; any Act of this State laying an Embargo to the contrary notwithstanding. [*Passed October 6.*]

Mass.  
Archives,  
ccxiv., 318.  
Province  
Laws, xx.,  
1114, chap. 13.

## CHAPTER 424.

RESOLVE DIRECTING ALL PERSONS WHO HAVE SUPPLIED THE TROOPS RETREATING FROM PENOBSCOT TO PRESENT THEIR ACCOUNTS.

Legislative  
Records of the  
Council,  
xl., 49.  
Mass.  
Archives,  
ccxiv., 316.  
Mass.  
Resolves,  
Sept. Session,  
chap. 180.

*Resolved*, That all Persons who have supplied any of the Troops in the Service of this State with Provisions, on their Retreat from Penobscot, shall lay their Accounts before the Committee on Accounts for Allowance and Payment; said Accounts being properly attested before some Justice of the Peace within this State. [*Passed October 6.*]

<sup>1</sup> Massachusetts Archives, ccxiv., 318.



## CHAPTER 425.

Legislative  
Records of the  
Council,  
xl., 49.  
Mass.  
Archives,  
ccxiv., 314.  
Mass.  
Resolves,  
Sept. Session,  
chap. 171.

RESOLVE PERMITTING JOHN FITCH WIGHT TO TRANSPORT RUM, SUGAR, TEA, COFFEE AND GIN TO NORWICH, CONN.

ON THE PETITION of John Fitch Wight, of Norwich, of the State of Connecticut, praying for Leave to carry his Adventure out of this State:

*Resolved*, That the Prayer of the Petition be granted, and that the Team drove by Devotion Eddy be permitted to transport to Norwich one Tierce of Rum, four Barrels of Sugar, a small Box of Tea, 100 Weight of Coffee, and two Cases of Ginn; any Embargo Act of this State notwithstanding. [*Passed October 6.*]

Mass.  
Archives,  
ccxiv., 315.  
Province  
Laws, xx.,  
1114, chap. 13.

## CHAPTER 426.

Legislative  
Records of the  
Council,  
xl., 49.  
Mass.  
Archives,  
ccxiv., 312.  
Mass.  
Resolves,  
Sept. Session,  
chap. 188.

RESOLVE PERMITTING ELIZABETH ETTER AND HER CHILD, OF BRAINTREE, TO GO TO HER HUSBAND AT HALIFAX, N. S.

ON THE PETITION of Elizabeth Etter of Braintree, praying that she and her Child (about four Years old) may have Liberty to go to her Husband at Halifax in Nova-Scotia, by the first convenient Opportunity:

*Resolved*, That the Petitioner and her Child be permitted to go to Halifax in Nova-Scotia, by the first Cartel, on Condition that she do not return to this State again without Leave therefor from the Government of this State. [*Passed October 6.*]

Mass.  
Archives,  
ccxiv., 313.

## CHAPTER 427.

Legislative  
Records of the  
Council,  
xl., 50.  
Mass.  
Archives,  
ccxiv., 309.  
Mass.  
Resolves,  
Sept. Session,  
chap. 172.

RESOLVE DEDUCTING £520 OUT OF THE NEXT STATE TAX OF THE TOWN OF CONWAY, £400 BEING A FINE AND £120 A BOUNTY FOR FOUR MEN TO RE-ENFORCE THE CONTINENTAL ARMY.

ON THE PETITION of Jonathan Whitney, Agent for the Town of Conway, praying that the Fine of Four Hundred Pounds laid on said Town of Conway may be taken off, and that said Town may be allowed One Hundred and twenty Pounds, as a Bounty paid to four Men to reinforce the Continental Army for the Term of nine Months, agreeable to a Resolve of the General Court passed April 20th, 1778: Therefore

*Resolved*, That the Prayer of said Petition be granted, and that there be deducted out of the next State-Tax to be laid on the said Town of Conway, the Sum of Five Hundred and twenty Pounds, for the Reasons set forth in said Petition. [*Passed October 6.*]

Mass.  
Archives,  
ccxiv., 310-311.  
Province  
Laws, xx., 367,  
chap. 970; 386,  
chap. 1000.

## CHAPTER 428.

RESOLVE DIRECTING JOSEPH WRIGHT, ONE OF THE COLLECTORS OF PITTSFIELD, TO COLLECT THE STATE TAXES FROM THE INHABITANTS OF ASHUELOT EQUIVALENT.

Legislative  
Records of the  
Council,  
xl., 50.  
Mass.  
Archives,  
ccxiv., 307.

ON THE PETITION of Joseph Wright, one of the Collectors of the Town of Pittsfield, setting forth the Difficulties he laboured under in collecting the State Taxes laid on the Inhabitants of the Ashawelot Equivalent:



*Resolved*, That the said Joseph Wright be and he hereby is directed to proceed agreeable to his Warrant, and collect from the Inhabitants of the Ashawelot Equivalent aforesaid the several Sums at which they are assessed, making the Law his Rule and Guide, notwithstanding any Determinations of said People whatsoever. [*Passed October 6.*]

Mass.  
Resolves,  
Sept. Session,  
chap. 183.  
Mass.  
Archives,  
ccxiv., 308.

## CHAPTER 429.

VOTE CHOOSING HON. JOHN HANCOCK, ESQ., CAPTAIN OF THE CASTLE AND THE FORT ON GOVERNOR'S ISLAND.

In the House of Representatives

The House, by Ballot, unanimously made Choice of the Hon. John Hancock, Esq., as Captain of the Castle, and Fort on Governor's Island, in the Harbour of Boston.

In Council

Read and Concurred. [*Passed October 6.*]

Legislative  
Records of the  
Council,  
xl., 51.  
Mass.  
Archives,  
ccxiv., 329.  
Mass.  
Resolves,  
Sept. Session,  
chap. 178.  
*Ante*, p. 201,  
chap. 420.

## CHAPTER 430.

VOTE CHOOSING COL. BURBECK CAPTAIN-LIEUTENANT OF THE CASTLE AND THE FORT ON GOVERNOR'S ISLAND.

In the House of Representatives

The House, by Ballot, made Choice of Col. William Burbeck, as Captain-Lieutenant of the Castle, and Fort on Governor's Island, in the Harbour of Boston.

In Council

Read and Concurred. [*Passed October 6.*]

Legislative  
Records of the  
Council,  
xl., 51.  
Mass.  
Archives,  
ccxiv., 327.  
Mass.  
Resolves,  
Sept. Session,  
chap. 179.  
*Supra*, chap.  
429.

## CHAPTER 431.

RESOLVE DIRECTING THE BOARD OF WAR TO FURNISH LIEUT. ANDREW GILMAN WITH CLOTHES, ETC., AGREEABLE TO A RESOLVE OF THE 4TH INSTANT, IN PREFERENCE TO ANY OTHER PERSON.

*Resolved*, That the Board of War be and hereby are directed to furnish Lieut. Andrew Gilman with Cloth sufficient for a Suit of Cloaths, Linen for three Shirts, two Pair of Stockings and one Pair of Shoes, agreeable to the Resolve of the General Court passed the 4th Instant, in preference to any other Person. [*Passed October 6.*]

Legislative  
Records of the  
Council,  
xl., 52.  
Mass.  
Archives,  
ccxiv., 328.  
Mass.  
Resolves,  
Sept. Session,  
chap. 176.  
*Ante*, p. 191,  
chap. 392.

## CHAPTER 432.

RESOLVE DIRECTING THE SHERIFF OF HAMPSHIRE COUNTY TO REQUIRE BONDS OF COL. ISRAEL WILLIAMS AND ISRAEL WILLIAMS, JR., FOR THEIR GOOD BEHAVIOR TOWARDS THIS STATE, THAT THEY SHALL HOLD NO CORRESPONDENCE WITH THE ENEMY NOR COUNTERACT ANY OF THE RESOLVES OF CONGRESS OR THIS STATE, AND CONFINING THEM TO THE TOWN OF HATFIELD OR, ON REFUSAL TO GIVE BONDS, TO THE GAOL IN NORTHAMPTON.

WHEREAS it has been represented to this Court by the Committee of Correspondence, Inspection &c. of the Town of Hatfield, that Col. Israel Williams and Israel Williams jun. of said Hat-

Legislative  
Records of the  
Council,  
xl., 52.



Mass.  
Archives,  
clxxxv., 294.  
Mass.  
Resolves,  
Sept. Session,  
chap. 190.

Mass.  
Archives,  
clxxxv., 290-293.  
Province  
Laws, xx., 216,  
chap. 554.

field, have lately taken the Liberty repeatedly to go beyond the Limits set them by the General Court in the Month of December, 1777, and it is judged not to be for the public Safety that they should be permitted to go at large: Therefore

*Resolved*, That the Sheriff of the County of Hampshire be and hereby is directed and required immediately to require the said Col. Israel Williams and Israel Williams, jun. to give Bonds with sufficient Sureties to Henry Gardner, Esq., Treasurer of this State, for the Sum of Three Thousand Pounds each, for their good Behaviour towards this State, that they will not directly nor indirectly by Writing, Conferring or any other Way hold up any Correspondence with the Enemies of this State or any of the United States of America, and that they will not by Word or Deed counteract any Resolves or Acts that the Congress or this State may or have passed for the Safety and Defence of the United States, and that the said Israel the elder be confined to his own House and Home-Lot, with Liberty to attend public Worship within the Town of Hatfield on Lords-Day's, and Israel Williams, jun. be confined to the said Town of Hatfield, and not depart without the further Order of the General Assembly of this State, and in case they should refuse to give Bonds as aforesaid, in such Case the Sheriff of the County of Hampshire is hereby directed to commit them to the Gaol in Northampton, in the County of Hampshire, and there confine them until they give the Bonds beforementioned. [*Passed October 6.*]

## CHAPTER 433.

RESOLVE EMPOWERING SAMUEL RUGGLES, ESQ., CLOTHIER FOR THIS STATE, TO COLLECT AND RECEIVE THE STATE'S CLOTHING NOW STORED IN CONNECTICUT.

Legislative  
Records of the  
Council,  
xl., 54.  
Mass.  
Archives,  
cexxiv., 325.  
Mass.  
Resolves,  
Sept. Session,  
chap. 185.

WHEREAS it is represented that a Quantity of Cloathing which were procured by the Board of War of this State and sent to the Army to be delivered to Levi Shephard, Esq., then Commissary of this State, under the Direction of Gen. [Horatio]<sup>1</sup> Gates, and that Part of said Cloathing is now stored in some Part of Connecticut: Therefore

*Resolved*, That Samuel Ruggles, Esq., Clothier for this State, be and he hereby is impowered and directed immediately to collect and receive the same for the Use of that Part of the Continental Army raised by this State. [*Passed October 6.*]

## CHAPTER 434.

RESOLVE AUTHORIZING JOHN WAITE, DANIEL MOULTON, ESQUIRES, AND COL. DUMMER SEWALL TO GIVE PERMITS FOR CATTLE TO PASS FROM THE COUNTIES OF LINCOLN, CUMBERLAND AND YORK, THROUGH THE STATE OF NEW HAMPSHIRE FOR THE ARMY AND COUNTIES SOUTHWARD OF THE STATE OF NEW HAMPSHIRE.

Legislative  
Records of the  
Council,  
xl., 54.  
Mass.  
Archives,  
cexxiv., 326.  
Mass.  
Resolves,  
Sept. Session,  
chap. 184.

WHEREAS it is represented to this Court that sundry Persons of the Counties of Lincoln, Cumberland and York have a Number of Cattle and Sheep that will be much for their Interest to bring into the Counties Southward of the State of New-Hampshire: Therefore

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vi., 314.



*Resolved*, That John Waite, Esq., in the County of Cumberland, and Daniel Moulton, Esq., of the County of York, and Col. Dummer Sewall in the County of Lincoln, appointed by this Court to give Permits for Cattle to pass through the State of New-Hampshire for the Army, be and they are hereby authorized to give Permits also to such Persons as may drive Cattle and Sheep from said Counties into the other Counties of this State, Southward of the State of New-Hampshire, upon their giving sufficient Bonds to said Sewall, Waite and Moulton, that such Cattle and Sheep be drove to and disposed of in the Counties of this State aforesaid. [*Passed October 6.*]

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## CHAPTER 435.

RESOLVE GRANTING £120 TO JOHN PITCHER FOR LOSS OF HIS HORSE, SADDLE AND BRIDLE AT RHODE ISLAND.

ON THE PETITION of John Pitcher, praying for an Allowance for his Horse, Saddle and Bridle, which he lost on Rhode-Island, in the late Expedition there:

Mass.  
Resolves,  
Sept. Session,  
chap. 174.

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*Resolved*, That there be allowed and paid out of the Public Treasury of this State the Sum of One Hundred and twenty Pounds to the said John Pitcher, in full for the Loss of his Horse, Saddle and Bridle aforesaid, and that the same be charged to the Continent. [*Passed October 6.*]

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## CHAPTER 436.

RESOLVE TRANSFERRING THE TRIAL OF THE LIBEL OF JOSEPH OTIS AND OTHERS AGAINST THE SCHOONER BETSEY FROM THE MARITIME COURT OF THE SOUTHERN DISTRICT TO THAT OF THE MIDDLE DISTRICT.

WHEREAS a Libel hath been filed in the Maritime Court for the Southern District in Behalf of Joseph Otis and others, against a certain Schooner called the Betsey, her Cargo and Appurtenances, and the Judge of the same Court hath notified a Court to be held at Plymouth within said District on the 4th Tuesday of October current, to try the Justice of said Capture, which Schooner has since the Seizure thereof been brought into the Port of Boston and is still there, and as there is no other Cause pending in said Southern District it would be attended with Inconvenience to the District to summon and to require the Attendance of a Jury in one Case only: Therefore, It is

Legislative  
Records of the  
Council,  
xl., 29.  
Mass.  
Archives,  
cxiv., 352.  
Mass.  
Resolves,  
Sept. Session,  
chap. 207.

---

*Resolved*, The Justice of the Capture of the said Schooner, her Cargo and Appurtenances, upon the Libel aforesaid, shall be tried and determined at the Maritime Court which shall be holden in and for the Middle District next after the said 4th Tuesday of October current, in like Manner as the same would have been tried and determined, in Case the said Schooner had been first brought within the same District and the Libel duly filed in the same Court, and the Proceedings thereon shall be taken, held and deemed to all Intents and Purposes equally valid in Law; any Law to the contrary notwithstanding. [*Passed October 7.*<sup>1</sup>]

<sup>1</sup> This date is same in Massachusetts Resolves, but October 4 according to Legislative Records of the Council.



## CHAPTER 437.

RESOLVE PERMITTING RICHARD CRANCH, ESQ., AGENT FOR THE ESTATE OF JOHN BORLAND, ESQ., ABSENTEE, TO CUT WOOD FROM THE WOOD LOT IN BRAINTREE FOR THE USE OF HIS OWN FAMILY.

Legislative  
Records of the  
Council,  
xl., 30.  
Mass.  
Archives,  
ccxiv., 350.  
Mass.  
Resolves,  
Sept. Session,  
chap. 195.

ON THE PETITION of Richard Cranch, Esq., Agent for the Estate of the late John Borland, Esq., an Absentee, praying that he might have Liberty to cut from a Wood Lot in Braintree, belonging to said Estate, so much Wood as he may want for the Use of his own Family, until the further Order of this Court, he paying for the same:

Mass.  
Archives,  
ccxiv., 351.

*Resolved*, That the Petitioner be and he hereby is permitted and allowed to cut and bring away from said Wood Lot in Braintree, so much Wood as he may want for the Use of his own Family, and no more, until the further Order of this Court; he rendering to the Judge of Probate for the County of Suffolk a just and true Account of the Quantity of Wood by him so taken, and accounting for the same in such Way and Manner as Agents on Absentees Estates are by Law obliged to account for the Produce of such Personal Estate of said Absentees as may be by them sold. [*Passed October 7.*<sup>1</sup>]

## CHAPTER 438.

RESOLVE GRANTING A LOTTERY OF £30,000 TO THE TOWN OF SHEFFIELD TO REBUILD THE BRIDGE OVER HOUSATONOCK RIVER AS SOON AS THE PRESENT STATE LOTTERY IS FINISHED.

Legislative  
Records of the  
Council,  
xl., 50.  
Mass.  
Archives,  
ccxiv., 349.  
Mass.  
Resolves,  
Sept. Session,  
chap. 173.

ON THE PETITION of a Number of the Inhabitants of the Town of Sheffield, in the County of Berkshire, setting forth that the great Bridge (so called) over Housatonock River in said Town, on the great Road leading from Connecticut to Albany and divers other Parts of New-York, is so out of Repair that it is dangerous to pass the same with the Loads which are constantly transported over it for the Use of the Public in the Northern Department, and praying for a Lottery to enable said Town to rebuild said Bridge:

Mass.  
Archives,  
ccxiv., 348.

*Resolved*, That a Lottery be granted for the above Purpose, to be for a Sum of Thirty Thousand Pounds, and the Petitioners have Liberty to report the Scheme of a Lottery accordingly, not to commence until the present State Lottery shall be finished. [*Passed October 7.*<sup>2</sup>]

## CHAPTER 439.

RESOLVE GRANTING £41,444. 1s. 6d. TO EBENEZER PARSONS AND EBENEZER LANE FOR BREAD, OATMEAL, BUTTER, PORK, BEEF, PORTER AND CANDLES TAKEN BY COL. ALLAN AT MACHIAS.

Legislative  
Records of the  
Council,  
xl., 52.  
Mass.  
Archives,  
ccxiv., 342.  
Mass.  
Resolves,

THE COMMITTEE of both Houses, to whom was committed Col. John Allan's Letter and the Papers accompanying the Same, have considered thereon and heard one of the Owners of the Brig Alice and find that the said Col. Allan took out of the said Brig 170½ Barrels of Pork, 63 Barrels of Beef, 7 Casks of Porter, 82½ lb. of

<sup>1</sup> This date is same in Massachusetts Resolves, but October 4 according to Legislative Records of the Council.

<sup>2</sup> This date is October 6 according to Legislative Records of the Council and Massachusetts Resolves.



Candles, 99:0:16 of Bread, 99:2:17 of Oat Meal, 268:1:8 of Butter, all of which was the Property of Mr. Ebenezer Parsons and Mr. Ebenezer Lane, which Provisions were necessarily taken by said Allan for the use and service of the Soldiers and Indians. Your Committee are of Opinion that the said Parsons and Lane ought to be reasonably paid for the same. Your Committee therefore asks leave to report by way of Resolve, all which is humbly Submitted.

Sept. Session,  
chap. 177.

Mass.  
Archives,  
ccxxiv., 343-347.

AARON WOOD per Order.

*Resolved*, That there be allowed and paid out of the public Treasury of this State to Mr. Ebenezer Parsons and Mr. Ebenezer Lane, the Sum of Forty-one Thousand four Hundred and forty-four Pounds one Shilling and six Pence, in full for Ninety-nine Hundred sixteen Pounds of Bread, Ninety-nine Hundred two Quarters and seventeen Pounds of Oatmeal, Two Hundred and Sixty-eight Hundred one Quarter and eight Pounds of Butter, One Hundred forty-four Barrels and an Half of common Pork, Ten Barrels of Mess Pork, Fifty-two Barrels of common Beef, Eleven Barrels of Mess Beef, Sixteen Barrels of Pork Heads, Seven Casks of Porter, Eighty-two and one half Pounds of Candles; the said Col. Allan to be accountable for the Expenditure of the said Articles. [*Passed October 7.*<sup>1</sup>]

## CHAPTER 440.

RESOLVE APPOINTING SAMUEL AUSTIN, ESQ., AND COL. SAMUEL THATCHER TO JOIN WITH THE COMMITTEE FOR METHODIZING AND SETTLING ACCOUNTS FOR THE PURPOSE OF COLLECTING ALL CHARGES AGAINST THE OFFICERS AND SOLDIERS IN THE CONTINENTAL ARMY.

WHEREAS this Court have impowered the Committee (who have been sent to the Army) to agree on Time and Place for the Meeting of a Committee from this Court, with such Committee as shall be appointed by the Officers of the Army for the Purpose of settling the Accounts of the Officers and Soldiers: Therefore

Legislative  
Records of the  
Council,  
xl., 55.  
Mass.  
Archives,  
ccxxiv., 363.  
Mass.  
Resolves,  
Sept. Session,  
chap. 203.

*Resolved*, That Samuel Austin, Esq., and Col. Samuel Thatcher be appointed to join with the Committee who have been appointed to methodize and settle the Accounts of this State for the Purpose of collecting from the Board of War, Treasurer's-Office and other-ways, all Charges against the Officers and Soldiers in the Continental Army raised in this State, and said Committee are ordered to lay the said Accounts before this Court as early as possible in the next Session. [*Passed October 7.*]

*Ante*, p. 178,  
chap. 372.

## CHAPTER 441.

RESOLVE PERMITTING LOVE FRYE TO SEND HER TWO SONS, BENJAMIN AND JOHN, TO THEIR FATHER AT NEW YORK.

Legislative  
Records of the  
Council,  
xl., 56.  
Mass.  
Archives,  
cxxxv., 345.  
Mass.  
Resolves,  
Sept. Session,  
chap. 199.

ON THE PETITION of Love Frye, praying that she may be permitted to send her two Sons, Benjamin and John, to their Father at New-York by the first Cartel, for Reasons set forth in said Petition:

*Resolved*, That the said Love Frye be and hereby is permitted

<sup>1</sup> This date is October 6 according to Legislative Records of the Council and Massachusetts Resolves.

Mass.  
Archives,  
cxxxv., 344.



to send her two Sons, Benjamin and John, to their Father at New-York by the first Cartel, not to return again to this State without Leave of the General Court. [*Passed October 7.*]

## CHAPTER 442.

RESOLVE GRANTING £1,350 TO LEVI SHEPHARD, ESQ., COMMISSARY, AND EDMUND GALE, DEPUTY COMMISSARY, FOR WAGES AND RATIONS FROM 1777 TO 1779 AND 1778 TO 1779.

Legislative  
Records of the  
Council,  
xl., 56.  
Mass.  
Resolves,  
Sept. Session,  
chap. 205.

*Resolved*, That there be allowed and paid out of the public Treasury of this State to Levi Shephard, Esq., [Commissary]<sup>1</sup> the Sum of One Hundred and twelve Pounds, for his Wages from June the 2nd 1777 to January 2nd 1778, and for Rations for the above Term, the Sum of One Hundred and twenty-six Pounds; and also the Sum of Three Hundred and twenty Pounds for his Wages from January 2nd 1778 to May 2nd 1779; and the Sum of Four Hundred and eighty Pounds for his Rations for the same Term of Time, amounting in the whole to the Sum of One Thousand and thirty-eight Pounds, in full of his Account; and to Edmund Gale, Deputy Commissary the Sum of One Hundred and twenty Pounds for his Wages from the 1st of June 1778 to the 1st of April 1779; and the Sum of One Hundred and eighty Pounds for his Rations the above Term of Time; and also the sum of Twelve Pounds fifteen Shillings for his extra Services, amounting in the whole to the Sum of Three Hundred and twelve Pounds fifteen Shillings, in full of his Account, and that the Committee appointed to methodize the Accounts of this State be directed to settle with them accordingly. [*Passed October 7.*]

## CHAPTER 443.

RESOLVE DISCHARGING THE TOWN OF BRIMFIELD FROM MAINTAINING THE BRIDGE OVER CHICOPEE RIVER AND LAYING THE SAME ON THE COUNTY OF HAMPSHIRE.

Legislative  
Records of the  
Council,  
xl., 57.  
Mass.  
Archives,  
ccxxiv., 359.  
Mass.  
Resolves,  
Sept. Session,  
chap. 197.

ON THE PETITION of Joseph Moffat, and others, Inhabitants of the Town of Brimfield, praying that a Bridge laying over Chekebee-River, between the Town of Brimfield and the Town of Palmer, in the County of Hampshire, may no further be maintained by the Town of Brimfield, for the Reasons set forth in said Petition:

*Resolved*, That the Prayer of the Petition be granted, and that the Town of Brimfield be and they hereby are discharged from maintaining and repairing said Bridge, and that the said Bridge be maintained and repaired by the said County of Hampshire; any Law or Order of this State to the contrary notwithstanding. [*Passed October 7.*]

<sup>1</sup> Province Laws, xx., 13, chap. 17; Massachusetts Archives, cxlvi., 463.



## CHAPTER 444.

RESOLVE GRANTING £73. 10s. TO CAPT. ABIEL LOVEJOY FOR SUBSISTENCE OF A GUARD OF FIVE MEN ON THEIR RETURN TO POWNALBOROUGH, HAVING BROUGHT TWELVE PRISONERS TO BOSTON.

*Resolved*, That there be paid out of the Treasury of this State to Capt. Abiel Lovejoy the Sum of Seventy-three Pounds ten Shillings, to enable him to subsist a Guard of five Men on their return to Pownalborough, who guarded twelve Prisoners from thence to Boston, and that the said Lovejoy lay his Account of Expences in bringing said Prisoners from thence before the Committee of Accounts for Examination and Allowance. [*Passed October 7.*]

Legislative  
Records of the  
Council,  
xl., 57.  
Mass.  
Resolves,  
Sept. Session,  
chap. 206.

## CHAPTER 445.

RESOLVE DIRECTING THE TREASURER TO BORROW FROM JOHN BRADFORD, ESQ., AGENT FOR THE UNITED STATES, £41,420. 1s. 6d. AND PAY THE SAME TO EBENEZER PARSONS AND EBENEZER LANE, OWNERS OF THE PRIVATEER WASP, IN FULL FOR THE ARTICLES TAKEN BY COL. ALLAN, SUPERINTENDENT OF INDIAN AFFAIRS AT MACHIAS.

WHEREAS Col. John Allan, Superintendent of Indian Affairs at Machias, has for the Use of the United States taken into his Hands a Quantity of Bread, Pork, Beef, Butter, Porter, Candles, &c., out of a Prize Brigantine, captured by the Private armed Vessel, called the Wasp, John Somes Commander: Therefore

*Resolved*, That the Treasurer of this State be and he is hereby directed to borrow of John Bradford, Esq., Agent for the United States in this Department, the Sum of Forty-one Thousand, four Hundred and twenty Pounds one Shilling and six Pence, and credit the United States for the same, and pay said Sum into the Hands of Ebenezer Parsons and Ebenezer Lane, Owners of said Private armed Vessel Wasp, and are properly authorized to receive the same, which Sum is in full for the Articles taken by said John Allan, Esq., Superintendent of Indian Affairs at Machias (who is to be accountable to this Court for the Expenditure of the same) as appears by the Accounts exhibited. [*Passed October 7.*]

Legislative  
Records of the  
Council,  
xl., 58.  
Mass.  
Archives,  
ccxiv., 358.  
Mass.  
Resolves,  
Sept. Session,  
chap. 200.  
*Ante*, p. 208,  
chap. 439.

## CHAPTER 446.

RESOLVE SETTING ASIDE THE JUDGMENT WHICH DR. SYLVESTER GARDINER, NOW AN ABSENTEE, SECURED IN A FRAUDULENT WAY AGAINST BRIGGS HALLOWELL WHILE BOSTON WAS IN POSSESSION OF THE BRITISH TROOPS.

WHEREAS it appears that Doct. Sylvester Gardiner, late of Boston, now an Absentee, did in a fraudulent Way while the Town of Boston was in the Possession of the British Troops, obtain Judgment of Court against Briggs Hallowell, then of the County of Lincoln:

*Resolved*, That said Judgment be set aside to all intents and purposes, and that said Briggs Hallowell be put in the same Situation as to his Debt and Lands as if no such Judgment had been obtained. [*Passed October 7.*]

Legislative  
Records of the  
Council,  
xl., 60.  
Mass.  
Archives,  
ccxiv., 354.  
Mass.  
Resolves,  
Sept. Session,  
chap. 196.  
Mass.  
Archives,  
ccxiv., 355.



## CHAPTER 447.

RESOLVE PROHIBITING THE PRISONERS AT RUTLAND RECEIVING OR SENDING LETTERS WITHOUT BEING INSPECTED AND DIRECTING THAT COPIES OF THIS RESOLVE SHALL BE POSTED IN SEVERAL PLACES AT AND NEAR THE BARRACKS.

Legislative  
Records of the  
Council,  
xl., 62.  
Mass.  
Archives,  
ccxiv., 362.  
Mass.  
Resolves,  
Sept. Session,  
chap. 202.

WHEREAS it has been represented to this Court that many Letters sealed have passed to and from the Prisoners in the Barracks at Rutland, to the Hurt and Damage of this State: Therefore

*Resolved*, That no Letters from and after the 15th Day of October instant shall pass to or from the Prisoners that now are or that may be confined in the Barracks at Rutland, without their being inspected by some Person appointed by the Council for said purpose; said Inspector shall inform the Honorable Council of any Letter or Letters thus inspected that may have a tendency to hurt or damage this or any other of the United States, and that any Person who shall carry to or bring from said Prisoners aforesaid, any Letter or Letters sealed or unsealed, without the Notice of said Inspector, shall be subject to be put under Guard and kept by said Inspector for a certain Time not exceeding Forty-eight Hours; and a Copy of this Resolve shall be posted up in several Places at and near said Barracks, for the Information of all whom it may concern. [*Passed October 7.*]

## CHAPTER 448.

Legislative  
Records of the  
Council,  
xl., 62.  
Mass.  
Archives,  
ccxiv., 368.  
Mass.  
Resolves,  
Sept. Session,  
chap. 208.

RESOLVE PERMITTING HON. JAMES LOVELL, ESQ., WITH HIS FAMILY TO OCCUPY ONE HALF OF THE HOUSE, LATE SIR WILLIAM PEPPERRELL'S, IN SEVEN STAR LANE, BOSTON.

*Resolved*, That the Hon. James Lovell, Esq., with his Family, be permitted to remove into and occupy one half the House late belonging to Sir William Pepperrell in Seven Star Lane<sup>1</sup> in Boston, until the further Order of the General Court, he to pay such Rent as the General Court shall order. [*Passed October 7.*]

## CHAPTER 449.

Legislative  
Records of the  
Council,  
xl., 62.  
Mass.  
Archives,  
ccxiv., 367.  
Mass.  
Resolves,  
Sept. Session,  
chap. 201.

RESOLVE DIRECTING THE SECRETARY TO PUBLISH AN ACT IN ADDITION TO THE EMBARGO ACT IN THE BOSTON AND WORCESTER NEWSPAPERS.

*Resolved*, That the Secretary of this State be and he hereby is directed to cause the Act intituled "An Act in Addition to an Act intituled An Act to prevent the Transportation of sundry Articles out of this State," to be published in the Boston and Worcester News-Papers. [*Passed October 7.*]

<sup>1</sup> Seven Star Lane was Summer Street from 1708. See A Record of the Streets, Alleys, Places, etc., in the City of Boston, Boston, 1910.

Province  
Laws, v., 1116,  
chap. 15.



## CHAPTER 450.

## RESOLVE EXTENDING THE TIME FOR CALLING IN THE BILLS OF CREDIT UNDER SIX SHILLINGS UNTIL JUNE 1ST.

WHEREAS there was a Resolve passed this Court May 28, 1779, for lengthening the Time for receiving into the Treasury of this State the several Bills of Credit emitted by this State of the Denominations under Six Shillings, and for exchanging the same, and whereas the Time limited by said Resolve for exchanging said Bills has expired, and it being represented to this Court that there is still a considerable Number of said Bills in the Hands of Individuals who have not had Opportunity to exchange the same: Therefore

*Resolved*, That the Treasurer of this State be and he hereby is impowered and directed to receive of any Person offering the same any of the Bills aforesaid, and to give others in exchange for the same until the 1st Day of June next, any Law or Resolve of the General Court to the contrary notwithstanding. [*Passed October 7.*]

Legislative  
Records of the  
Council,  
xl., 63.  
Mass.  
Archives,  
cexxiv., 366.  
Mass.  
Resolves,  
Sept. Session,  
chap. 198.

*Ante*, p. 8,  
chap. 3.

## CHAPTER 451.

## RESOLVE GRANTING £1,341. 16s. TO CAPTAINS WILLIAMS AND PEAL OF SALEM FOR MANNING SHIPS AND ARMED VESSELS FOR THE PENOBSCOT EXPEDITION.

THE COMMITTEE appointed to settle the Accounts with the Committees appointed by the General Court the 30th of June last, for Manning the Ships and armed Vessels for the Expedition to the Eastward, have examined and settled the Accounts of Captains [George]<sup>1</sup> Williams and [Jonathan]<sup>1</sup> Peal, of Salem, and find there is a Balance due to them of Thirteen Hundred and forty-one Pounds sixteen Shillings:

*Resolved*, That there be paid out of the Public Treasury of this State the above Sum of Thirteen Hundred and forty-one Pounds sixteen Shillings, which is in full of their Accounts. [*Passed October 7.*]

Legislative  
Records of the  
Council,  
xl., 63.  
Mass.  
Resolves,  
Sept. Session,  
chap. 193.

*Ante*, p. 119,  
chap. 233.

## CHAPTER 452.

## RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER TWO BLANKETS TO COLONELS TUPPER AND LITTLEFIELD, ACCORDING TO RESOLVE OF JUNE, 1778.

ON THE PETITION of Col. Benjamin Tupper and Lieut. Col. [John]<sup>2</sup> Littlefield:

*Resolved*, That the Board of War deliver unto said Colonels Tupper and Littlefield two Blankets, they paying for them agreeable to a Resolve passed the General Court June 1778. [*Passed October 7.*]

Legislative  
Records of the  
Council,  
xl., 64.  
Mass.  
Archives,  
cexxiv., 364.  
Mass.  
Resolves,  
Sept. Session,  
chap. 209.

Mass.  
Archives,  
cexxiv., 365.  
Province  
Laws, xx., 451,  
chap. 75.

<sup>1</sup> *Ante*, p. 69, chap. 134.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, ix., 879.



## CHAPTER 453.

## VOTE REFERRING SEVERAL ACCOUNTS PASSED BY THE COMMITTEE OF THE COUNCIL TO THE STANDING COMMITTEE FOR METHODIZING AND SETTLING ACCOUNTS.

Legislative  
Records of the  
Council,  
xl., 58.  
Mass.  
Archives,  
ccxiv., 369.  
Mass.  
Resolves,  
Sept. Session,  
chap. 192.

Mass.  
Archives,  
ccxxiv., 370.

THE COMMITTEE of both Houses appointed the 27th of September last to examine the Accounts of the Committee of Council for paying Accounts, and for enquiring into the Expenditure of the several Sums which said Committee have received by order of Court for that Purpose, beg Leave to report as their Opinion that as it will be necessary the several Accounts paid off by said Committee should be lodged in the Hands of Mr. John Deming and others, a standing Committee of this Court, for their Inspection, and as the said Deming and others have several Articles of Charge against said Committee of Council, it therefore becomes highly expedient that the Accounts referred to should be adjusted by Mr. John Deming and others, a Committee of this Court appointed for the Purpose of settling Accounts, and said Committee be directed to report said Adjustment to this Court at their next Session. [*Passed October 8.*<sup>1</sup>

## CHAPTER 454.

## RESOLVE PERMITTING INHABITANTS OF RHODE ISLAND, OWNING FARMS IN THIS STATE, TO TRANSPORT THE PRODUCE OF SUCH INTO RHODE ISLAND.

Legislative  
Records of the  
Council,  
xl., 59.  
Mass.  
Archives,  
ccxiv., 371.  
Mass.  
Resolves,  
Sept. Session,  
chap. 213.

Mass.  
Archives,  
ccxxiv., 372.

ON THE LETTER from the Hon. William Green, Esq., Governor of the State of Rhode-Island:

*Resolved*, That all such Persons belonging to the State of Rhode-Island as own Farms in Rehoboth and other Towns within this State be and hereby are permitted to transport the Produce of such Farms from this State to the State of Rhode-Island, provided they first give Satisfaction to the Selectmen or Committee of Correspondence of the Towns where the Farms lay that the Articles they are about Transporting were the Produce of their Farms, and were not purchased of the Inhabitants of this State, in which Case the Selectmen or Committee of Correspondence of such Towns are hereby directed to grant them a Permit for the Transportation of said Articles to the State of Rhode-Island. [*Passed October 8.*<sup>2</sup>

## CHAPTER 455.

## RESOLVE DISCHARGING JOHN THOMS AND OTHERS, PRISONERS BROUGHT FROM PENOBSCOT, FROM THEIR CONFINEMENT, DESIRING THE COUNCIL TO ORDER THE COMMANDING OFFICER OF THE COUNTY OF LINCOLN NOT TO SUFFER SMALL SCOUTING PARTIES TO MOLEST THE INHABITANTS OF PENOBSCOT.

Legislative  
Records of the  
Council,  
xl., 60.  
Mass.  
Archives,  
ccxiv., 377.

THE COMMITTEE of both Houses that were appointed to consider the Letter from Brig. Gen. Charles Cushing, with the Papers accompanying the same, have attended that Service, and upon the enquiring into the Conduct and Behaviour of John Thoms,

<sup>1</sup> This date is October 7 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>2</sup> This date is same in Massachusetts Resolves, but October 7 according to Legislative Records of the Council.



Stephen Lamphier, Roderick McDonnald, Edward Smith, Robert Douglass and Lauchlin McDonnald, Prisoners brought up from Penobscot, are of Opinion that they have not acted otherways than many honest Men would have done under the like Circumstances; therefore beg Leave to report the following Resolve:

BENJAMIN WHITE per Order.

*Resolved*, That the said John Thoms, Roderick McDonnald, Edward Smith, Robert Douglass, they giving Bonds in the Sum of One Hundred Pounds each, to the Treasurer of this State, with sufficient Sureties for their good Behaviour, be discharged from their present Confinement, and that the Honorable Council be desired to send Orders to the Commanding Officer of the County of Lincoln not to suffer small scouting Parties to molest or disturb the Inhabitants of Penobscot under their present distressed Circumstances.

Read and Accepted. [*Passed October 8.*<sup>1</sup>]

## CHAPTER 456.

RESOLVE DIRECTING THE BOARD OF WAR TO FIT OUT ONE OR MORE VESSELS FOR THE EASTERN SHORES FOR FIREWOOD FOR THE TROOPS IN AND ABOUT BOSTON.

Mass.  
Resolves,  
Sept. Session,  
chap. 204.

THE COMMITTEE of both Houses appointed to devise further Means of supplying the Troops in and about Boston with Wood have attended that Service and ask leave to report by way of Resolve:

*Resolved*, That the Board of War be and they are hereby directed to fit out one or more Vessels to such Part of the Eastern Shores of this State as they shall judge most safe for Fire-Wood for the Purpose of supplying the Troops in and about Boston the ensuing Winter.

Read and Accepted. [*Passed October 8.*<sup>1</sup>]

## CHAPTER 457.

RESOLVES RECOMMENDING TO THE SELECTMEN OF THE TOWNS IN THE COUNTY OF LINCOLN TO OFFER RELIEF TO THE INHABITANTS WHO HAVE FLED FROM PENOBSCOT AND DIRECTING THE TREASURER TO STAY EXECUTIONS IN THE SAID COUNTY.

THE COMMITTEE of both Houses on the Petitions of Samuel McCobb and others, and the Petition of the Selectmen of the Towns of Winslow, Vassalborough, Winthrop and Hallowell, setting forth the distressed Circumstances of the Inhabitants of the County of Lincoln who have been driven from their Homes by the Enemy and also of the Inability of the Inhabitants of said County to pay their Taxes praying for an abatement, &c., have attended that Service and ask leave to Report by way of Resolve:

*Resolved*, That it be and it is hereby recommended to the Selectmen of the Towns in the County of Lincoln, to which any of the Inhabitants of said County who lately resided at or near Penobscot, have fled for Safety from the Enemy, that they supply such of said Inhabitants with the Necessaries of Life as are unable to

Legislative  
Records of the  
Council,  
xl., 61.  
Mass.  
Archives,  
ccxiv., 375.  
Mass.  
Resolves,  
Sept. Session,  
chap. 191.

Mass.  
Archives,  
cxli., 168;  
ccxiv., 376.

Legislative  
Records of the  
Council,  
xl., 61.  
Mass.  
Archives,  
clxxxv., 362.  
Mass.  
Resolves,  
Sept. Session,  
chap. 194.

Mass.  
Archives,  
clxxxv., 359-362.

<sup>1</sup> This date is October 7 according to Legislative Records of the Council and Massachusetts Resolves.



support themselves, until the further Order of the General Court, and lay their Accounts before this Court for Allowance and Payment.

*Resolved*, That the Treasurer of this State be and he is hereby directed to stay Execution to the Constables of the several Towns in the County of Lincoln until the 3rd Wednesday of the next Setting of the General Assembly; any Order or Resolve of this Court to the contrary notwithstanding.

Read and Accepted. [*Passed October 8.*<sup>1</sup>]

## CHAPTER 458.

RESOLVE PERMITTING LEONARD JACOBEE AND DANIEL EDWARDS OF PENNSYLVANIA TO TRANSPORT OUT OF THIS STATE TWO WAGON LOADS OF DRY GOODS NOW DETAINED AT WORCESTER.

Legislative  
Records of the  
Council,  
xl., 65.  
Mass.  
Archives,  
ccxiv., 398.  
Mass.  
Resolves,  
Sept. Session,  
chap. 221.

Mass.  
Archives,  
ccxiv., 399.  
Province  
Laws, xx.,  
1114, chap. 13.

ON THE PETITION of Leonard Jacobee and Daniel Edwards, of the State of Pennsylvania, representing that before the late Act of Embargo, they purchased a Quantity of dry Goods, and had sent them forward in two Waggons as far as Worcester, where they have ever since been detained at a very great Expence:

*Resolved*, That the Prayer of the Petitioners be granted, and that the said Leonard Jacobee and Daniel Edwards be and hereby are permitted to transport by Land out of this State in two Waggons, the Articles of dry Goods mentioned in their Petition; any Act of this State laying an Embargo to the contrary notwithstanding. [*Passed October 8.*]

## CHAPTER 459.

RESOLVES REQUESTING THE COUNCIL TO MAKE STRICT INQUIRY INTO THE DETACHING 1500 MEN FOR THE PENOBSCOT EXPEDITION, TO SEND A COPY OF THE REPORT ON THE FAILURE OF SAID EXPEDITION, AND THE PAPERS ACCOMPANYING THE SAME, TO CONGRESS, AND DIRECTING THE SECRETARY TO PUBLISH THE REPORT IN A BOSTON NEWSPAPER AS SOON AS THE COURTMARTIAL OF THE COMMODORE IS OVER.

Legislative  
Records of the  
Council,  
xl., 65.  
Mass.  
Archives,  
cxlv., 349a.  
Mass.  
Resolves,  
Sept. Session,  
chap. 222.

Mass.  
Archives,  
cxlv., 350.  
*Ante*, p. 125,  
chap. 244.

THE COMMITTEE of both Houses appointed to enquire into the Reasons of the Failure of the late Penobscot Expedition have, after giving due Notice to the Commanders by Land and Sea and cited such Persons as the Committee judged most likely to give the best Account of the Reasons of the Failure aforesaid, proceeded to enquire into the Causes of said Failure.

Gen. [Solomon]<sup>2</sup> Lovell's Narrative of his Proceedure with the Councils of War by Land and Sea and the Depositions of the several Witnesses delivered in on this Enquiry accompany this Report and the Opinion of your Committee upon the aforesaid Subject will appear as follows:

Question 1st. Is it the Opinion of this Committee that they have made sufficient Enquiry into the Causes of the Failure of the late Expedition to Penobscot?

Answer. Unanimously, Yes.

Question 2nd. What appears to be the principal Reason of the Failure?

Answer. Unanimously, Want of proper Spirit and Energy on the part of the Commodore.

<sup>1</sup> This date is October 7 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>2</sup> Massachusetts Soldiers and Sailors in the Revolutionary War, ix., 1010.



Question 3d. Was Gen. Lovell Culpable in not Storming the Enemies principal Fort according to requirement of the Commodore and Naval Council who insisted upon that as the Condition of our Ships attacking the Enemies Ships, when at the same time the Commodore informed him that in Case of such an Attack he must call the Marines on board their Ships (the last was not made a part of the Condition by the Naval Council)?

Answer. Unanimously, No.

Question 4th. What in the Opinion of this Committee was the Occasion of the total Destruction of our Fleet?

Answer. Principally the Commodore's not exerting himself at all at the time of the Retreat in opposing the Enemies foremost Ships in pursuit.

Question 5th. Does it appear that Gen. Lovell throughout the expedition and the Retreat acted with proper Courage and Spirit?

Answer. Unanimously, Yes, and it is the Opinion of the Committee had he been furnished with all the Men ordered for the Service or been properly supported by the Commodore he would probably have reduced the Enemy.

Question 6th. Does it appear that [Dudley Saltonstall]<sup>1</sup> the Commodore discouraged any Enterprizes or offensive Measures on the part of our Fleet?

Answer. Unanimously, Yes, and though he always had a Majority of his Naval Council against offensive Operations which Majority was mostly made up of the Commanders of private Armed Vessels yet he repeatedly said it was Matter of favor that he called any Councils and when he had taken their Advice he should follow his own Opinion.

As the Naval Commanders in the Service of the State are particularly Amenable to the Government the Committee think it their Duty to say that each and every of them behaved like brave, experienced, good Officers throughout the whole of the Expedition.

Question 7th. What was the Conduct of Brig. [Peleg]<sup>2</sup> Wadsworth during his Command?

Answer. Brig. Wadsworth (the Second in Command) throughout the whole Expedition, during the Retreat and after, untill ordered to return to Boston, conducted with great Activity, Courage, Coolness and Prudence.

The Committee find the Number of Men ordered to be detached for this Service were deficient nearly one Third. Whether the shame full Neglect is chargeable upon the Brigadiers, Colonels or other Officers whose particular Duty it might have been to have faithfully executed the Orders of the General Assembly they cannot Ascertain.

ARTEMAS WARD per Order.

Present, Gen. [Artemas]<sup>3</sup> Ward, Gen. [Jonathan]<sup>3</sup> Titcomb, Mr. [Francis]<sup>3</sup> Dana, Gen. [Michael]<sup>3</sup> Farley, Gen. [Timothy]<sup>3</sup> Danielson, Maj. [Samuel]<sup>3</sup> Osgood.

Note, Hon. Mr. [William]<sup>2</sup> Sever not present at all at the Enquiry and Colonels [James]<sup>2</sup> Prescott and [Moses]<sup>2</sup> Little, absent when this report was made.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred and thereupon

<sup>1</sup> *Post*, chap. 694.

<sup>2</sup> *Ante*, p. 129, chap. 254.

<sup>3</sup> *Ante*, p. 125, chap. 244.



*Resolved*, That the Honorable Major Part of the Council be and they hereby are requested immediately to order a strict enquiry into the disobedience of the Orders of this Court for detaching 1500 Men for the Service of the Penobscot Expedition, and to cause such Punishment as the Militia Law provides to be inflicted on any of the Brigadiers or other Militia Officers who may be found Delinquent on such enquiry: And it is further

*Resolved*, That a Copy of this Report and the Papers accompanying the same be transmitted by the Honorable Council without delay to the Honorable Congress, that they may take such order thereon, as to them may seem most conducive to public Justice; and the Secretary is hereby directed to cause the Report of this Committee to be Published in one of the Boston Newspapers as soon as the Court-Martial now sitting in Boston upon the Commodore shall be over. [*Passed October 8.*<sup>1</sup>

## CHAPTER 460.

Legislative  
Records of the  
Council,  
xl., 68.  
Mass.  
Resolves,  
Sept. Session,  
chap. 215.

RESOLVE GRANTING LIBERTY TO WILLIAM BURBECK AND OTHERS TO BRING IN A BILL AT THE NEXT SESSION FOR THE INCORPORATION OF THE MASSACHUSETTS CHARITABLE SOCIETY.

THE COMMITTEE on the Petition of William Burbeck and others beg Leave to report the following Resolve:

Mass.  
Archives,  
clxxxv., 356,  
357.

*Resolved*, That the Prayer of the Petitioners be granted, and that the Petitioners have Liberty to bring in a Bill at the next Sitting of the General Court for [the Incorporation of the Massachusetts Charitable Society for],<sup>2</sup> the Purposes mentioned in said Petition. [*Passed October 8.*

## CHAPTER 461.

VOTE REQUESTING THE COUNCIL TO PRESENT TO THE CONTINENTAL CONGRESS THE EXPOSED CONDITION OF THE WESTERN FRONTIER, ESPECIALLY SINCE THE OPENING OF A ROAD FROM NEWBURY, ON CONNECTICUT RIVER, TOWARDS THE ENEMY'S COUNTRY.

Legislative  
Records of the  
Council,  
xl., 68.  
Mass.  
Archives,  
ccxiv., 397.  
Mass.  
Resolves,  
Sept. Session,  
chap. 223.

THE COMMITTEE of both Houses appointed to consider a Letter from Col. [Moses]<sup>3</sup> Hazen to Col. [Moses]<sup>4</sup> Little, dated Camp, Haverhill, [New Hampshire], September 22, 1779, together with two other Letters to the same Purpose, accompanying the same, beg leave to report:

Mass.  
Archives,  
cc., 309;  
ccxiv., 270.

That a Letter be written to the President of Congress setting forth the exposed Condition of the Western Frontiers of this State, more especially since the opening a Road from Newbury, [Vermont]<sup>5</sup> on Connecticut River, towards the Enemies Country; and the Necessity of Col. Hazen's or some other Regiment being stationed there for its Defence. And as it is the Opinion of the Committee that the State of New-Hampshire is equally, if not more exposed, the Committee further report that another Letter

<sup>1</sup> This date is according to Legislative Records of the Council and Massachusetts Resolves; the final date in Massachusetts Archives is missing, but is same in chronological index made in 1877-1880.

<sup>2</sup> Massachusetts Archives, clxxxv., 356.

<sup>3</sup> Of the Second Canadian Regiment, otherwise Congress's Own. — Heitman's Historical Register of the Officers of the Continental Army; Pennsylvania Archives, 2d Series, xi., 99.

<sup>4</sup> Of Newbury. — Massachusetts Soldiers and Sailors of the Revolutionary War, ix., 870.

<sup>5</sup> Built in 1776 and 1779 by Gen. Jacob Bayley and Col. Moses Hazen from Newbury, Vermont, to Westfield, Vermont, near the Canada Line. — Frederic P. Wells's History of Newbury, Vermont, 1902.



be written to the President and Council of that State requesting them to make a similar Representation to the President of Congress as aforesaid.

SAM[UE]L ADAMS per Order

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed October 8.*]

[The Letter follows.]<sup>1</sup>

COUNCIL CHAMBER, Oct. 22, 1779.

SIR

The Council are informed that Col. Hazen has opened a Road from Newbury to within 30 Miles of Canada, and that his Regiment is ordered away, in Consequence of which the Frontiers of this State and those of New Hampshire, and also the public Stores deposited in that Quarter, may be exposed to the Incursions and Ravages of the Savages, unless Col. Hazen's Regiment is ordered to continue or other suitable Force stationed there. The Council therefore make this Representation to the Honorable Congress and request, if that Part of the Country is without proper Force for its Defence and Security of the public Stores that such Measures may be taken as the Exigency of the Case shall require.

I am &c.

President.

To the Hon. SAMUEL HUNTINGTON, Esq.  
President of Congress.

## CHAPTER 462.

RESOLVE DIRECTING JOHN FELLOWS, ESQ., BRIGADIER OF BERKSHIRE COUNTY, TO CAUSE THE COMMISSIONS OF THE OFFICERS IN COL. SIMONDS'S REGIMENT TO BE ALTERED FROM THE 3RD TO THE 2ND REGIMENT AND OF THE OFFICERS IN COL. ROSSITER'S REGIMENT FROM THE 2ND TO 3RD REGIMENT SO THEY MAY AGREE WITH THE FIELD OFFICERS.

WHEREAS it appears to this Court that the Commissions of the Captains and Subalterns of Col. [Benjamin]<sup>2</sup> Simonds's Regiment are made out in such Manner as that they are called of the 3rd Regiment, when they should have been called of the 2nd, and the Commissions of the Captains and Subalterns in Col. [David]<sup>3</sup> Rossiter's Regiment are made out in such Manner as that they are called of the 2nd Regiment, when they ought to have been called of the 3rd, by means whereof great Disturbance and Uneasiness hath arisen in the County of Berkshire: Therefore

*Resolved*, That John Fellows, Esq., Brigadier in the County of Berkshire, be and he hereby is directed immediately on receipt of this Resolve, to cause the Commissions of the Captains and Subalterns in Col. Simonds's Regiment to be altered from the 3rd to the 2nd Regiment, and the Captains and Subalterns Commissions in Col. Rossiter's Regiment from the 2nd to the 3rd, agreeable to the original Intent and Design, so as that they may agree with the Commissions of the Field Officers in the respective Regiments aforesaid. [*Passed October 8.*]

Legislative  
Records of the  
Council,  
xl., 69.  
Mass.  
Archives,  
ccxiv., 396.  
Mass.  
Resolves,  
Sept. Session,  
chap. 210.

<sup>1</sup> Massachusetts Archives, Letters, 1776-80, 141.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xiv., 239.

<sup>3</sup> *Ibid.*, xiii., 597, 598; Massachusetts Archives, cciv., 1.



## CHAPTER 463.

## RESOLVE MAKING AN ESTABLISHMENT FOR A GUARD AT FREE-TOWN.

Legislative  
Records of the  
Council,  
xl., 69.  
Mass.  
Archives,  
ccxiv., 394.  
Mass.  
Resolves,  
Sept. Session,  
chap. 220.  
Mass.  
Archives,  
ccxiv., 395.

ON THE PETITION of Nathaniel Morton of Freetown, in behalf of said Town, praying for an Allowance to the Guard kept in said Town:

*Resolved*, That the Guard aforesaid shall be allowed and paid over and above their Continental Pay and Rations the following Sums, viz. to the Commanding Officer of said Guard Twelve Pounds, and to each non-commissioned Officer and private Soldier Thirteen Pounds for every Kalendar Month while in said Service. [*Passed October 8.*]

## CHAPTER 464.

## RESOLVE PERMITTING MATTHEW BRIDGE TO SELL A LOAD OF SALT, WHICH HE LATELY TRANSPORTED FROM WINCHENDON TO KEENE, N. H., PROVIDED HE WILL BRING ONE TON OF FLOUR (OR THE VALUE IN WHEAT) TO BOSTON AND SELL THE SAME AT THE REGULAR PRICE.

Legislative  
Records of the  
Council,  
xl., 70.  
Mass.  
Archives,  
ccxiv., 392.  
Mass.  
Resolves,  
Sept. Session,  
chap. 219.  
Mass.  
Archives,  
ccxiv., 393.  
Province  
Laws, xx.,  
1114, chap. 13.

ON THE PETITION of Matthew Bridge, praying that he may be indemnified in disposing of one Load of Salt, which he has transported from Winchendon to Keen in the State of New-Hampshire, for Reasons therein mentioned:

*Resolved*, That Matthew Bridge be and he hereby is permitted to make Sale of one Load of Salt, which he lately transported from Winchendon to Keen in the State of New-Hampshire: Provided, he give sufficient Bond to the Treasurer of this State that he will bring one Tun of Flour (or the Value thereof in Wheat) to Boston, and sell the same for Money at the regulated Price, any thing in the Embargo Act to the contrary notwithstanding. [*Passed October 8.*]

## CHAPTER 465.

## RESOLVE GRANTING £285 TO JONATHAN WEBB FOR BOARDING THREE INDIANS AND THEIR INTERPRETER.

Legislative  
Records of the  
Council,  
xl., 70.  
Mass.  
Resolves,  
Sept. Session,  
chap. 224.

ON THE MEMORIAL of Jonathan Webb praying Allowance of his Account for Boarding three Indians and their Interpreter:

*Resolved*, That there be allowed and paid out of the public Treasury of this State to Jonathan Webb the Sum of Two Hundred and eighty-five Pounds in full of his Account herewith exhibited.<sup>1</sup> [*Passed October 8.*]

<sup>1</sup> Account not found in Massachusetts Archives.



## CHAPTER 466.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER GEN. PATTERSON A SUIT OF CLOTHES AGREEABLE TO A RESOLVE OF JUNE, 1778.

ON THE PETITION of Brig.-Gen. [John]<sup>1</sup> Patterson, praying he may be supplied with a Suit of Cloaths:

*Resolved*, That the Board of War be directed to deliver to Brig.-Gen. Patterson Cloth for a Suit of Cloaths, he paying for the same agreeable to a Resolve of the General Court of June, 1778. [*Passed October 8.*]

Legislative  
Records of the  
Council,  
xl., 70.  
Mass.  
Archives,  
ccxxiv., 390.  
Mass.  
Resolves,  
Sept. Session,  
chap. 216.

Mass.  
Archives,  
ccxxiv., 391.  
Province  
Laws, xx., 451,  
chap. 75.

## CHAPTER 467.

RESOLVE DIRECTING THE BOARD OF WAR TO FURNISH CROCKER SAMPSON, QUARTERMASTER, AND OTHER OFFICERS WITH ONE RUG EACH AGREEABLE TO RESOLVE OF JUNE, 1778.

*Resolved*, That the Board of War be and hereby are directed to furnish Crocker Sampson, Q. M. and David Paterson, Lieutenant in Col. [Gamaliel]<sup>2</sup> Bradford's Regiment, and Henry Adams, Surgeon's Mate in Col. [James]<sup>3</sup> Wesson's Regiment, with one Rug each, agreeable to a Resolve passed in June, 1778. [*Passed October 8.*]

Legislative  
Records of the  
Council,  
xl., 71.  
Mass.  
Archives,  
ccxxiv., 388.  
Mass.  
Resolves,  
Sept. Session,  
chap. 217.

Province  
Laws, xx., 451,  
chap. 75.

## CHAPTER 468.

VOTE CHOOSING JOHN FOSTER WILLIAMS TO COMMAND THE STATE SHIP PROTECTOR.

In the House of Representatives

The House, by Ballot, made Choice of John Foster Williams, Esq., to command the [State]<sup>4</sup> Ship Protector

In Council

Read and Concurred. [*Passed October 8.*]

Legislative  
Records of the  
Council,  
xl., 71.  
Mass.  
Archives,  
ccxxiv., 387.  
Mass.  
Resolves,  
Sept. Session,  
chap. 225.

*Ante*, p. 76,  
chap. 142.

## CHAPTER 469.

RESOLVE FOR RAISING £4,500 BY A LOTTERY FOR REBUILDING A BRIDGE OVER HOUSATONOCK RIVER IN THE TOWN OF SHEFFIELD, APPOINTING MANAGERS AND PUBLISHING THE SCHEME, RULES AND REGULATIONS IN THE WORCESTER AND HARTFORD PAPERS.

WHEREAS this Court have passed a Resolve for rebuilding a Bridge over Housatonock River, in the Town of Sheffield, and as it is thought expedient that a Lottery or Lotteries should be set on Foot for raising a Sum of Money for the Purpose aforesaid: Therefore

*Resolved*, That a Sum not exceeding Four Thousand five Hundred Pounds be raised by a Lottery or Lotteries by a Deduction of Fifteen per Cent. upon the Amount of the Tickets; that John Fellows, Esq., Capt. Ezra Fellows, Capt. William Bacon, Col.

Legislative  
Records of the  
Council,  
xl., 71.  
Mass.  
Archives,  
ccxxiv., 386.  
Mass.  
Resolves,  
Sept. Session,  
chap. 212.

*Ante*, p. 208,  
chap. 438.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xi., 1025.

<sup>2</sup> *Ibid.*, ii., 402.

<sup>3</sup> *Ibid.*, xvi., 882.

<sup>4</sup> *Ante*, p. 76, chap. 142.



John Ashley, jun. and Theodore Sedgwick, Esq., or any three of them shall be Managers of said Lottery or Lotteries, and who shall be sworn to the faithful discharge of said Trust, and shall give Bond to the Treasurer of this State in the Sum of Five Hundred Pounds each for the Performance of the Trust hereby reposed in them, which said Managers shall make and publish in the Worcester and Hartford Papers a Scheme for said Lottery or Lotteries as soon as may be, agreeable to this Resolve, and they shall also therewith publish all necessary Rules and Regulations for the Management thereof, all Prizes shall be paid without any Deduction. [*Passed October 8.*]

## CHAPTER 470.

RESOLVES REQUIRING THE SELECTMEN OR COMMITTEE OF EACH TOWN AND PLANTATION TO RENDER AN ACCOUNT OF ALL SUPPLIES FURNISHED SOLDIERS' FAMILIES, ALSO ALL BOUNTIES, GRATUITIES AND EXPENSES ON PAIN OF A FINE OF £100.

*Resolved*, That the Selectmen or Committee of each Town and Plantation in this State be and they hereby are required to render under Oath a full Account of all Supplies furnished before the 15th of October instant (whereof an Account is not already exhibited) and also of all Bounties and Gratuities given, whether by Town or Plantation, or any Individual, to every Soldier and Family of a Soldier, raised as Part of this State's Proportion of the Continental Army for Three Years or during the War; the Account of Supplies to be in Form agreeable to a Schedule directed by this Court on the 8th of June last, and the Time of delivering every Article of Supply as well as of every Sum of Money is to be carefully noted, and the Town for which every Soldier is particularly doing Service, if known; and the Selectmen and Committees aforesaid are hereby required to cause the above Account to be lodged in the Secretary's Office by the several Days herein respectively assigned them, viz. the Selectmen or Committees in the Counties of Suffolk, Essex, Middlesex, Plymouth and Bristol, on or before the 1st Day of November next; the Selectmen or Committees in the Counties of Barnstable, Worcester, Hampshire and York, on or before the 5th Day of November next; the Selectmen or Committees in the Counties of Berkshire, Cumberland and Lincoln, on or before the 10th Day of November next: And the Selectmen and Committees aforesaid are directed to exhibit an Account of the Expences incurred in the Performance of this Service, to proceed in supplying the Families of the said Soldiers, agreeable to the Directions of former Resolves of this Court made for this Purpose, under the Penalties therein provided.

And whereas a strict Obedience to this Resolve, in order to a speedy Settlement with the Army, is of great Consequence to the Community:

*Resolved*, That if the Selectmen or Committees of any Town or Plantation in this State, who have had the Charge of supplying the Families of the Soldiers aforesaid, shall neglect a punctual Compliance with this Requisition: The Selectmen or Committee so neglecting, shall individually forfeit, to the Use of this State, One Hundred Pounds; for the Recovery whereof, the Treasurer of this State is hereby empowered and directed to issue his Execution upon each Selectman or Member of a Committee so neglecting, upon receiving Notice of such Neglect from the Secretary. [*Passed October 8.*]

Legislative  
Records of the  
Council,  
xl., 72.  
Mass.  
Archives,  
cxxxiv., 384.  
Mass.  
Resolves,  
Sept. Session,  
chap. 218.

*Ante*, p. 35,  
chap. 67.



## CHAPTER 471.

RESOLVE DIRECTING THE COMMITTEE FOR ENQUIRING INTO THE FAILURE OF THE PENOBSCOT EXPEDITION TO ENQUIRE INTO THE CONDUCT OF THE OFFICERS OF ARTILLERY AND MILITIA.

Legislative  
Records of the  
Council,  
xl., 73.  
Mass.  
Archives,  
ccxiv., 383.  
Mass.  
Resolves,  
Sept. Session,  
chap. 214.  
*Ante*, p. 216,  
chap. 459.

*Resolved*, That the Committee for Enquiry into the Failure of the Penobscot Expedition, be directed to enquire into and report to this Court the Conduct of the Officers of Artillery, and the Militia Officers employed in the late Expedition to Penobscot.

[*Passed October 8.*

## CHAPTER 472.

RESOLVE APPOINTING HON. SAMUEL FREEMAN, ESQ., AND OTHERS A COMMITTEE TO ENQUIRE INTO COMPLAINTS MADE BY THE SELECTMEN AND COMMITTEE OF CORRESPONDENCE, &c., OF FALMOUTH.

THE COMMITTEE appointed to consider the Petition of Stephen Hall, President of the Committee of Safety of the County of Cumberland, and report what is proper to be done thereon, ask Leave to report the following Resolve:

*Resolved*, That the aforesaid Petition be committed to the Hon. Samuel Freeman, John Lewis and William Gorham, Esquires, a Committee appointed and authorized to make Enquiry into the Complaints made by the Selectmen and Committee of Correspondence, &c. of Falmouth, in their Letter of the 29th of September last.

Read and Accepted. [*Passed October 8.*

Legislative  
Records of the  
Council,  
xl., 73.  
Mass.  
Archives,  
clxxv., 311½.  
Mass.  
Resolves,  
Sept. Session,  
chap. 211.  
Mass.  
Archives,  
clxxv., 309-311.

## CHAPTER 473.

VOTE FOR PUBLISHING IN THE BOSTON AND WORCESTER NEWSPAPERS "AN ACT TO PREVENT DESERTERS FROM THE AMERICAN TROOPS ENTERING ON BOARD SHIPS OF WAR" PASSED JUNE 29 LAST, AND THAT A COPY OF SAID ACT BE TRANSMITTED TO GENERALS WASHINGTON AND GATES THAT THE SAME MAY BE COMMUNICATED TO THE ARMY IF THEY SEE FIT.

THE COMMITTEE of both Houses appointed upon the application of Col. Thomas Marshall, in behalf of himself and the rest of the officers of the Massachusetts brigades, in the Continental army, have attended that service, heard Col. [Benjamin]<sup>1</sup> Tupper upon the subject, beg leave to report as their unanimous opinion, That the Secretary be directed to publish in all the Boston Thursday's news-papers, and in the Worcester news-paper, three weeks successively, for the benefit of the publick, "An Act to prevent Deserters from the American troops entering on board ships of war," passed June 29, last; and that the consideration of the remaining part of said application be referred to the next sitting of the General Assembly. The committee further report, That a copy of the aforesaid act be transmitted to Gen. Washington and to Gen. [Horatio]<sup>2</sup> Gates, to the end that if they see fit, the same may be communicated to the army in General Orders, or otherwise.

Which is submitted

MOSES GILL per Order.

Read and Accepted. [*Passed October 8.*<sup>3</sup>

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xvi., 144.

<sup>2</sup> Heitman's Historical Register of the Officers of the Continental Army, p. 244.

<sup>3</sup> "The foregoing Resolve passed the last session, but being mislaid was not printed in its proper place."—Massachusetts Resolves, November session, chap. 67.



## CHAPTER 474.

RESOLVE GRANTING THE BOARD OF WAR £200,000. IN ADDITION TO THE £200,000 ALREADY IN THEIR HANDS TO PROCURE ARMED VESSELS, TO PAY THE PERSONS TO WHOM THE PUBLIC IS INDEBTED ON ACCOUNT OF THE PENOBSCOT EXPEDITION.

Legislative  
Records of the  
Council,  
xl., 74.  
Mass.  
Archives,  
ccxiv., 415.  
Mass.  
Archives,  
Sept. Session,  
chap. 229.

Mass.  
Archives,  
cxlv., 367.  
*Ante*, p. 135,  
chap. 270.

*Resolved*, That the Treasurer of this State be and he hereby is directed to pay to the Board of War Two Hundred Thousand Pounds, out of the Money that shall be paid to him as the Proceeds of the Sales of the confiscated Estates, which Sum together with the Two Hundred Thousand Pounds more which has been ordered into their Hands to enable them to procure armed Vessels for the Use of this State, the Board of War are hereby directed to pay to the Persons to whom the Public is indebted, on Account of the Penobscot Expedition, in proportion to the Sums due to those Creditors respectively. And the Board of War are further directed to procure from the Treasurer of this State the Securities of this Government for the discharge of any Part of the Demands of the Creditors aforesaid, in such Cases as they are willing to receive the same, and the Treasurer is hereby directed to make out and deliver Securities for such Sums as shall be applied by the Board of War for this Purpose, dating such Securities on the Day when the Sums became due, which they are respectively made out to discharge. [*Passed October 9.*]

## CHAPTER 475.

ORDER ACCEPTING THE RESIGNATION OF EBENEZER JONES, MAJOR OF THE 2ND REGIMENT IN WORCESTER COUNTY.

Legislative  
Records of the  
Council,  
xl., 75.

In Council

*Ordered*, That the Resignation of Ebenezer Jones, Esq., Major of the 2nd Regiment in the County of Worcester be and hereby is accepted

In the House of Representatives

Read and Concurred. [*Passed October 9.*]

## CHAPTER 476.

RESOLVE DISCHARGING CALEB DAVIS, ESQ., AND OTHERS, COMMITTEE TO MAKE SALE OF THE ESTATES OF THOMAS HUTCHINSON, ESQ., AND OTHER ABSENTEES, OF £122,344. 10s. 1d.

Legislative  
Records of the  
Council,  
xl., 75.  
Mass.  
Archives,  
ccxiv., 400.  
Mass.  
Resolves,  
Sept. Session,  
chap. 226.

Mass.  
Archives,  
ccxlv., 401.  
Province  
Laws, xx., 716,  
chap. 765.

THE COMMITTEE on the Accounts exhibited by Caleb Davis, Ebenezer Wales and Richard Cranch, Esquires, the Committee appointed to make sale of the Estates of Thomas Hutchinson, Esq., and others, beg Leave to report that the Account is properly vouched, and right cast, except Four Pounds fourteen Shillings and nine Pence mistake in favour of this State, and that the said Committee have paid into the State Treasury One Hundred and twenty-two Thousand three Hundred and forty-four Pounds ten Shillings and one Penny, being the Proceeds of the Sales of the said Estates, after paying all Charges: Therefore

*Resolved*, That the said Caleb Davis, Ebenezer Wales and Richard Cranch, Esquires, be discharged from the said Sum of One Hundred and twenty-two Thousand three Hundred and forty-



four Pounds ten Shillings and one Penny, being the Proceeds of the several Estates which they have sold, and which Sum they have paid into the Treasury agreeable to the Order of the General Court. [*Passed October 9.*]

## CHAPTER 477.

### RESOLVE REQUESTING THE COUNCIL TO APPOINT A DAY OF GENERAL FASTING AND PRAYER.

IT BEING the indispensable Duty of a People in Times of public Calamity to implore the Blessing of Heaven on all their Concerns, and as the present is a Day of great Expectation, and most important Plans are formed to extricate us from the Troubles wherein we are involved, in the Execution of which we cannot promise ourselves Success without the kind Interposition and Blessing of divine Providence: Therefore

*Resolved*, That the Honorable the Major Part of the Council be and hereby are requested to appoint a Day of general Fasting and Prayer, wherein all Denominations of Christians may with one Voice supplicate Heaven for Success.<sup>1</sup> [*Passed October 9.*]

Legislative  
Records of the  
Council,  
xl., 75.  
Mass.  
Archives,  
ccxxiv., 413.  
Mass.  
Resolves,  
Sept. Session,  
chap. 228.

## CHAPTER 478.

### VOTE CHOOSING WILLIAM GREENLEAF LIEUTENANT COLONEL AND JOSEPH SERGEANT FIRST MAJOR OF THE 2ND REGIMENT IN WORCESTER COUNTY.

In the House of Representatives

The House, by Ballot, made Choice of William Greenleaf as Lieutenant Colonel and Joseph Sergeant, First Major of the Second Regiment of Militia in the County of Worcester.

In Council

Read and Concurred. [*Passed October 9.*]

Legislative  
Records of the  
Council,  
xl., 76.  
Mass.  
Archives,  
ccxxiv., 412.  
Mass.  
Resolves,  
Sept. Session,  
chap. 231.

## CHAPTER 479.

### RESOLVES FOR RAISING 2,000 THREE MONTHS' MEN BY LOT, DRAFT OR ENLISTMENT TO RE-ENFORCE THE CONTINENTAL ARMY AT CLAVERACK ON HUDSON'S RIVER, AND MAKING ESTABLISHMENT FOR SAME.

WHEREAS it is represented to this Court by a Letter from the President of Congress, that authentic Intelligence has been received of the Arrival of Count D'Estaing with a powerful Fleet to co-operate with the United States; in pursuance whereof the Commander in Chief of the American Armies has in the most pressing Terms called upon this Court to raise a Number of Troops, not less than Two Thousand, as the Proportion of this state to join the Army under his immediate Command, in order that he may be enabled by the vigorous Exertion of the said United States, in Conjunction with those of their Allies, to strike an important Blow against the common Enemy, and by the

Legislative  
Records of the  
Council,  
xl., 76.  
Mass.  
Archives,  
ccxxiv., 405-411.  
Mass.  
Resolves,  
Sept. Session,  
chap. 227.

<sup>1</sup> Proclamation issued by Council, October 15, appointing November 4. — Massachusetts Archives, clxx., 433.



Blessing of God put an End to this cruel and destructive War: Therefore

*Resolved*, That two Thousand Men be immediately raised from the Towns and Plantations in the Counties hereafter named, in the following Proportions, viz. from the County of Suffolk, Two Hundred and forty-one Men; from the County of Essex, Three Hundred and fifty Men; from the County of Middlesex, Three Hundred and fifty-nine Men; from the County of Worcester, Four Hundred and fifty Men; from the County of Hampshire, Four Hundred Men; from the County of Berkshire, Two Hundred Men; and the Brigadier or Commanding Officer of each Brigade in the Counties aforesaid is hereby directed to proportion the Men required of his Brigade upon the several Regiments under his Command, and forthwith to issue his Orders to the Commanding Officers of the said Regiments, requiring them respectively to cause the several Companies under their Command to be immediately mustered, and such Number of Men as they shall determine to be the Proportion of the several Companies in their respective Regiments to be raised by Lot, Draft or voluntary Inlistment, to serve in the Army of the United States for the Term of three Months from the Time of their joining the Army, unless sooner discharged. And if a Draft should be necessary for raising the aforesaid Men, it shall be made from the Training Band and Alarm List, and if any Person should be drafted, who is not able of Body to serve in Person, he shall hire an able-bodied Man in his Room, or pay a Fine of Fifty Pounds, within Twenty-four Hours next after his being so drafted, if of Ability to pay it in the judgment of the Major Part of the Selectmen of the Town to which the Person so drafted belongs; and if determined not of Ability herefor, he shall in that Case pay such Part of said Fine as the Selectmen aforesaid shall determine does not exceed his Ability; and in Default thereof, the Person drafting him shall issue his Warrant of Distress to the Clerk of the same Company, or a Constable of the same Town, requiring him to levy and collect the same by Distress and Sale of the Delinquent's Goods and Chattels: And the Officer to whom such Warrant shall be directed shall govern himself in the Execution thereof by the Rules prescribed by Law for collecting public Taxes: And any able-bodied effective Man who shall be drafted as aforesaid, and duly notified thereof, if he does not within Twenty-four Hours after, either procure some able-bodied effective Man in his Room to the Acceptance of the Person who drafted him, or pay a Fine of Fifty Pounds, he shall be considered as a Soldier in the Continental Army for the Term of three Months from the Time he shall arrive at the Place of Rendezvous, to every Intent and Purpose; and the Person who drafted such Delinquent shall deliver him over to the Officer appointed to command the Company wherein he was to serve, which Officer shall march him to the Place of Rendezvous. And in any Town or Plantation where a Company shall be destitute of a Captain and Subaltern, the Selectmen, and where these are wanting, the Committee of Safety, &c. are hereby empowered and required to discharge all the Duties by these Resolves required of the Commission Officers of a Company. It is further

*Resolved*, That the Brigadier or Commanding Officer of the Brigades form the Men into Companies of Sixty-eight Men each (including Officers) as near as may be, and also appoint proper Officers to command the Companies in their respective Brigades and order them to march to Clavarack on Hudson's River, with all possible Expedition: And the Commanding Officers of the



Brigades in the Counties of Middlesex and Worcester shall form the Men raised in their respective Brigades into one Regiment, and appoint the Field Officers to command them: And the Brigadiers in the Counties of Suffolk and Essex shall form the Men raised in both their Brigades into one Regiment, and appoint Field Officers for the same: And the Brigadiers in the Counties of Hampshire and Berkshire shall form the Men raised in both their Brigades into one Regiment, and appoint Field-Officers to command them.

*Resolved*, That the Brigadiers aforesaid, in Cases where it will conduce to the Good of the Service, and shall be agreeable to the Militia, may appoint Men who are not in the command of the Militia to Offices of the same Rank which they before sustained (provided they have approved themselves good Officers) and recommending them to the Council that they may be commissioned accordingly.

*Resolved*, That the Commanding Officers of the aforesaid Regiments appoint an Adjutant, Quarter-Master, Surgeon and Surgeon's-Mate for their Regiments respectively; the two former to be taken from the Line.

*Resolved*, That the Honorable Council be and they hereby are impowered and requested to appoint a Brigadier from the Militia, or otherwise, to command the aforesaid Regiments; and that the Brigadier appoint a Chaplain and a Brigade-Major for the Service of the Brigade, and repair himself, and order his Officers to repair without delay to Claverack, on Hudson's-River; there to receive the Order of General Washington, or such Officer as he shall appoint.

*Resolved*, That there be paid out of the Treasury of this State, to the Officers and Men who shall perform the Service prescribed by this Resolve, the following Sums per Month, in Addition to their Continental Pay, viz.

A Brigadier, Sixty Pounds.  
A Colonel, Forty-five Pounds.  
Lieutenant-Colonel, Forty Pounds.  
Major, Thirty-five Pounds.  
Chaplain, Forty-five Pounds.  
Brigade-Major, Thirty-five Pounds.  
Adjutant, Thirty Pounds.  
Quarter-Master, Twenty-four Pounds.  
Surgeon, Thirty Pounds.

Surgeon's-Mate, Twenty Pounds.  
Captain, Thirty Pounds.  
Lieutenant, Twenty-four Pounds.  
Serjeant, Eighteen Pounds.  
Drum, Seventeen Pounds.  
Fife, Seventeen Pounds.  
Corporal, Seventeen Pounds.  
Private, Sixteen Pounds.

*Resolved*, That the Officers of the Militia in the before-mentioned Brigades be and they hereby are directed to apprehend every Person who has deserted from any Corps in the Service of the United States, within their Knowledge, and to deliver them to the Commanding Officer of a Company raised in pursuance of this Resolve; who is hereby directed to march such Deserter to the Place of Rendezvous, and to deliver such as belong to any Corps in the Army serving in that Quarter, to the Corps from which he deserted, and such as do not belong to any Corps in that Quarter, to retain in his own Company during the Time which his Detachment shall continue in Service; and if such Deserter shall not then have served the Time which remained to compleat his original Engagement at the Time of his deserting, he shall in that Case be delivered over to the Commanding Officer of some Corps still remaining in Service, or suffer such other Punishment as the Regulations of the Army provide: And if any Person shall be guilty of Desertion, who shall enlist or be drafted in pursuance of these Resolves, the Commanding Officer of the Company from which he enlisted or was drafted, shall cause him to be conveyed to the



Board of War in Boston, who shall send him on board some Vessel in the Service of this or the United States, there to do Duty for a Term not less than three, or more than six Months, without being intitled to any Prize-Money whatever, and out of his Wages shall be paid the Charge incurred by Reason of his Desertion.

And to the End that no Deserter may remain unpunished:

*Resolved*, That if there shall be found in any Town any Person who shall desert from the Detachment ordered by this Resolve, or who has deserted from any former Detachment, and the Militia Officers, Selectmen and Committee in the same Town being knowing thereto, shall neglect to perform the Duty by this Resolve prescribed them, for bringing such Offender to Punishment, the Inhabitants of such Town shall incur as a Penalty for every Offender, respecting whom they shall be thus delinquent, the Sum of Five Hundred Pounds; which Sum shall be added to the next State Tax of such Town or Plantation.

*Resolved*, That if any Prisoner or Deserter from the Enemy be inlisted or drafted for this Service, no Place shall have any Credit therefor, either in their Number of Men raised or the Money they may pay him.

*Resolved*, That any Brigadier or Commanding Officer of a Brigade, who shall refuse or neglect the Duties enjoined by these Resolves, shall, on being convicted thereof, be forthwith dismissed from his Office; and every Commanding Officer of a Regiment who shall neglect the Duties by these Resolves required of him, shall be reported by his superior Officer to the General Court; and every Commanding Officer of a Company who shall neglect the Duties by these Resolves required of him, shall, for each Man deficient from the Company to which he belongs, forfeit and pay the Sum of One Hundred Pounds; and all Fines and Forfeitures incurred in Consequence of this Resolve, shall be to the Use of the State, and shall be sued for in an Action of Debt by such Person as the General Court shall hereafter appoint for this Purpose.

*Resolved*, That every Man who shall inlist or be detached in Consequence of these Resolves, shall, if able to do it, supply himself with a good Firelock, Bayonet, Cartouch-Box, Haversack and Blanket; and if the Selectmen shall judge any Man belonging to the same Town that shall inlist or be drafted for this Service not of ability to procure these Articles himself, they shall supply him with them, or such of them as he cannot procure.

And that no reasonable Encouragement may be wanting to induce Men cheerfully and speedily to offer themselves on this signal Occasion:

*Resolved*, That the Selectmen of each Town and Committee of each Plantation in the Counties aforesaid, be and they hereby are directed to pay out of the Treasury of their respective Towns and Plantations the Sum of Thirty Pounds to each Non-commissioned Officer and Private Soldier detached as aforesaid, being properly armed and equipped, and the further Sum of Two Shillings per Mile as Milage, from such Town to the Place of Rendezvous, and to exhibit an attested Account of such Milage, with the proper Vouchers, to the Committee on Accounts for Examination and Payment; and the Amount of the Bounties shall be deducted from the next State-Tax levied on such Town. And if any Town or Plantation shall be so far lost to every Sentiment of Honour, Safety and Interest, as to fail of the fullest and readiest Compliance with this Requisition:

*Resolved*, That such delinquent Town or Plantation shall, for every Man which they shall fail of supplying, properly equipped,



with all possible Expedition incur a Penalty of such Sum as the General Court shall hereafter determine; which Sum shall be added to the next State-Tax of such Town and Plantation.

[*Passed October 9.*

## CHAPTER 480.

RESOLVE PERMITTING — LE BLANC TO TRANSPORT GOODS, SUGAR, COFFEE AND SALT TO ALBANY, N. Y.

Legislative  
Records of the  
Council,  
xl., 81.  
Mass.  
Archives,  
ccxiv., 403.  
Mass.  
Resolves,  
Sept. Session,  
chap. 230.

ON THE PETITION of — Le Blanc, [a Frenchman residing at Albany]<sup>1</sup> praying that he may have Leave to transport out of this State to Albany, two Trunks of Goods, one Hogshead of Sugar, and one of Coffee, and twenty Bushels of Salt:

*Resolved*, That the Prayer of the Petition be granted, and that — Le Blanc be permitted to transport out of this State to Albany, two Trunks of Goods, one Hogshead of Sugar, one of Coffee and twenty Bushels of Salt; any Embargo of this State to the contrary notwithstanding. [*Passed October 9.*

Mass.  
Archives,  
ccxiv., 404.  
Province  
Laws, v., 1114,  
chap. 13.

## CHAPTER 481.

RESOLVES VESTING THE COUNCIL WITH CERTAIN POWERS DURING THE RECESS.

WHEREAS it may be of great public Utility that until the Sitting of the next General Court, certain Powers should be lodged in Council, other than those they are usually vested with:

*Resolved*, That the Honorable Council (until the next Sitting of the General Court) be and they hereby are fully authorized and empowered to nominate and appoint, as Occasion may require, such Commission Officers in any of the Land Forces, armed Vessels or Vessels of War, in the Service and Pay of this State, and also in the Militia, whose Places by Death or otherwise are or may in the Recess of the Court become vacant, as to them shall appear fit and necessary, and put them under the Command of such Officer or Officers as they shall judge proper.

*Resolved*, That the Council be and they are hereby also authorized and empowered to treat and conclude Treaties of Amity and Friendship with any Indians that may arrive in this State, and make such Provision for them as they may judge proper.

*Resolved*, That the Major Part of the Council shall have full Power and Authority to examine, allow and pass upon the Pay-Rolls of the Sea-Coast Men, and their Commissary Accounts, and also the Pay-Rolls of the Militia who may have been in the Service and those in the Sea Service, any Act or Resolve to the contrary notwithstanding.

*Resolved*, That the Honorable Council be and they are hereby empowered to convene the Great and General Court or Assembly at an earlier Day than that to which it shall next be adjourned or prorogued, if they shall judge the public Service to require it. And it is further

*Resolved*, That the Honorable Council be and they hereby are authorized and empowered to detach from the Militia of this State, under the proper Officers of the said Militia, in such Manner

Legislative  
Records of the  
Council,  
xl., 81.  
Mass.  
Archives,  
ccxiv., 402.  
Mass.  
Resolves,  
Sept. Session,  
chap. 232.

<sup>1</sup> Massachusetts Archives, ccxiv., 404.



as they may think best, any Number not exceeding Four Thousand, to do Duty out of this State, but upon this Continent, in such Places as they or the Commander in Chief of the American Army shall direct, the same to continue in Service for the Term of two Months, unless sooner dismissed by the Commander in Chief of the Department where the said Militia may be doing Duty, or may be recalled by Order of the Council or General Court of said State.<sup>1</sup> [*Passed October 9.*]

<sup>1</sup> Adjourned to November 10. — Legislative Records of the Council, xl., 83.



## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TENTH DAY OF NOVEMBER, A.D. 1779.

### CHAPTER 482.

RESOLVE IMPOWERING JONATHAN WINSHIP TO PROCEED TO THE  
EASTERLY PART OF THIS STATE, RECEIVE CATTLE STOPPED  
BY THE COMMITTEE OF FALMOUTH AND RETURN WITH SAME  
TO THE USE OF THE NAVY BOARD IN BOSTON.

ON THE PETITION of the Continental Navy-Board, setting forth that Mr. Jonathan Winship was employed by them to procure Beef for the Supply of the Continental Navy, and that said Winship had, by one Mr. Greely, purchased (in the Easterly Part of this State) one Hundred Head of Cattle for the abovesaid Purpose, but as the said Greely was bringing forty-nine Head of said Cattle through the Town of Falmouth, in the County of Cumberland, the Committee of said Town of Falmouth have stopped said Cattle, by virtue of an Act of the General Assembly of this State passed September 23, 1779: Therefore

*Resolved*, That the said Jonathan Winship be and he hereby is impowered, or any Person for or under him, to proceed to the Easterly Part of this State and to receive and bring forward said Cattle, to the Use of the Navy-Board, in the Town of Boston; and the Committee of the said Town of Falmouth are hereby directed to deliver said Cattle accordingly, any Law of this State to the contrary notwithstanding. [*Passed November 11.*]

Legislative  
Records of the  
Council,  
xl., 87.  
Mass.  
Archives,  
ccxiv., 420.  
Mass.  
Resolves,  
Nov. Session,  
chap. 1.

Mass.  
Archives,  
ccxiv., 419-421.  
Province  
Laws, v., 1114,  
chap. 13.

### CHAPTER 483.

RESOLVE ADVANCING £180 TO EDWARD ALLINE, CLERK TO THE  
STATE CLOTHIER, TO ENABLE HIM TO PROCEED TO FISHKILL,  
N. Y.

ON THE PETITION of Edward Allen [Alline]<sup>1</sup>, praying for a Sum of Money to be advanced him, to enable him to proceed to Fish-Kill, to act as Clerk to the Clothier appointed by this State:

*Resolved*, That the Treasurer of this State be and he is hereby directed to pay to the said Edward Allen [Alline] the Sum of One Hundred and eighty Pounds, to enable him to proceed, he to be accountable for the same out of the Sum that shall hereafter be granted him for his Service. [*Passed November 11.*]

Legislative  
Records of the  
Council,  
xl., 87.  
Mass.  
Archives,  
ccxiv., 423.  
Mass.  
Resolves,  
Nov. Session,  
chap. 2.

Mass.  
Archives,  
ccxiv., 424.

<sup>1</sup> Massachusetts Archives, ccxiv., 424.



## CHAPTER 484.

RESOLVE DESIRING CHARLES PHELPS, ESQ., TO COMMUNICATE ALL SUCH PAPERS AS RELATE TO THE CLAIMS OF THIS STATE TO THE STATE OF VERMONT (SO CALLED) TO THE COMMITTEE OF BOTH HOUSES.

Legislative  
Records of the  
Council,  
xl. 88.  
Mass.  
Archives,  
clxxxv., 401.  
Mass.  
Resolves,  
Nov. Session,  
chap. 3.

ON THE PETITION of Charles Phelps, Esq., representing that he is possessed of sundry Papers of Importance to elucidate the Claims of this State to lands in what is called the State of Vermont, now in dispute between the adjacent States:

*Resolved*, That Charles Phelps, Esq., be desired to communicate to the Committee of both Houses appointed last Session to consider the Resolutions of Congress for settling the Disputes relative to the Claims on the State of Vermont (so called) all such Papers as he is possessed of important to the Claims of this State. [*Passed November 11.*]

Mass.  
Archives,  
clxxxv., 398-400.

## CHAPTER 485.

ORDER ADDING NATHAN CUSHING AND OTHERS TO THE COMMITTEE TO ENQUIRE INTO THE FAILURE OF THE PENOBSCOT EXPEDITION IN THE ROOM OF WILLIAM SEVER AND OTHERS.

Mass.  
Archives,  
ccxxiii., 436.  
*Ante*, p. 125,  
chap. 244.

*Ordered*, That Nathan Cushing, Joseph Simpson and Aaron Wood, Esquires, be of the Committee to enquire into the failure of the Penobscot Expedition in the room of William Sever, Francis Dana and Timothy Danielson, Esquires, joined. [*Passed November 11.*]

## CHAPTER 486.

Legislative  
Records of the  
Council,  
xl., 88.  
Mass.  
Archives,  
ccxiv., 425.  
Mass.  
Resolves,  
Nov. Session,  
chap. 6.

RESOLVE DIRECTING THE COMMITTEE ON ACCOUNTS TO EXAMINE AND ADJUST THE ACCOUNTS OF SHIRTS, SHOES AND STOCKINGS AGREEABLE TO RESOLVE OF JUNE 21<sup>ST</sup> LAST.

*Resolved*, That the Committee on Accounts be a Committee to examine and adjust the Accounts of Shirts, Shoes and Stockings, agreeable to a Resolve of the 21<sup>st</sup> of June last. [*Passed November 12.*]

*Ante*, p. 72,  
chap. 138.

## CHAPTER 487.

RESOLVE GRANTING £400 TO ABNER PEASE IN FULL FOR A TWO MAST BOAT, ETC., HIRED TO CARRY DISPATCHES TO PENOBSCOT, WHICH WAS TAKEN BY THE ENEMY.

Legislative  
Records of the  
Council,  
xl., 89.  
Mass.  
Resolves,  
Nov. Session,  
chap. 4.

*Resolved*, That there be paid out of the public Treasury of this State the Sum of Four Hundred Pounds, to Abner Pease, in full for a two mast Boat, &c., hired by the Honorable Council to carry Dispatches to Penobscot, said Boat being taken by the Enemy while in said Service. [*Passed November 12.*]



## CHAPTER 488.

RESOLVE FOR PAYING THE EXPENSE OF PRINTING AND DISPERSING THE RESOLVES OF THE CONVENTION AT CONCORD AS TO DEPRECIATION OF CURRENCY, THE PRICES OF NECESSARY ARTICLES, ETC.

*Resolved*, That the Expence of printing and dispersing the Resolves<sup>1</sup> of the Convention who met at Concord, July 14th and October 6th, be paid out of the public Treasury of this State, and that said Accounts be laid before the Committee on Accounts for Examination and Allowance. [*Passed November 12.*]

Legislative  
Records of the  
Council,  
xl., 89.  
Mass.  
Archives,  
ccxxiv., 434.  
Mass.  
Resolves,  
Nov. Session,  
chap. 5.

*Ante*, p. 127,  
chap. 249.

## CHAPTER 489.

RESOLVE DIRECTING THE COMMITTEE FOR THE SALE OF ESTATES OF ABSENTEES IN THE COUNTY OF MIDDLESEX TO RECEIVE FROM ANDREW CABOT THE PURCHASE MONEY OF THE ESTATES OF THOMAS OLIVER AND RICHARD LECHMERE, ESQUIRES, IF PAID WITHIN TEN DAYS.

ON THE PETITION of Andrew Cabot:

*Resolved*, That the Committee for the Sale of Estates in the County of Middlesex be and they hereby are directed to receive of the said Petitioner the Purchase Money of the Estates mentioned in the said Petition [the Farm of Thomas Oliver, Esq., late Lieutenant Governor and the Estate of Richard Lechmere, Esq., late of this Province, commonly called Lechmere's Point, both lying in Cambridge],<sup>2</sup> provided the same be paid within ten Days from this Time. [*Passed November 13.*]

Legislative  
Records of the  
Council,  
xl., 90.  
Mass.  
Archives,  
ccxxiv., 437.  
Mass.  
Resolves,  
Nov. Session,  
chap. 9.

Mass.  
Archives,  
clxxxv., 404;  
ccxxiv., 435.

<sup>1</sup> Proceedings of the Convention begun and held at Concord, in the County of Middlesex, in and for the State of Massachusetts-Bay, on the 14th day of July, 1779, for the purpose of carrying into effect the several interesting and important measures recommended by Congress, to the inhabitants of the United States, in their late wise, reasonable and animating Address . . . The following Resolves, arrangements and Address, were, after the fullest and most candid discussion, unanimously agreed to. . . . An Address to the inhabitants of the State of Massachusetts-Bay. Friends and brethren, In obedience to the serious call of Congress, and you our constituents, we have assembled in Convention, to consider the alarming state of our public affairs, to examine the difficulties and dangers we are involved in, and which threaten us with immediate destruction. [To check depreciation in the currency, by arrangement of prices of necessary articles of consumption and commerce.] Done in Convention at Concord, in the State of Massachusetts-Bay, by unanimous consent, July 17, 1779. Azor Orne, president. . . . [Colophon:]

Boston: Printed by Benjamin Edes and Sons. [1779.] pp. (3). fol.

Proceedings of the Convention begun and held at Concord, in the State of Massachusetts-Bay, on the sixth day of October, A.D. 1779, (in pursuance of the recommendation of a Convention held in said place in July last) to "take into consideration the prices of merchandize and country produce, and make such regulations and reductions therein, as the public good might require." . . .

Followed by: An Address to the inhabitants of the State of Massachusetts-Bay. . . . Done in Convention at Concord, on the twelfth day of October, A.D. 1779, by unanimous consent, (two only dissentients.) W. Spooner, president. Attest. Thomas Lloyd Halsey, sec'y. [Colophon:]

Boston: Printed by Benjamin Edes and Sons, in State-Street. [1779.] pp. (4). fol.

<sup>2</sup> Massachusetts Archives, clxxxv., 404.



## CHAPTER 490.

RESOLVES FOR FORWARDING \$500,000 TO GEN. HEATH FOR RECRUITING THIS STATE'S QUOTA OF THE CONTINENTAL ARMY AND DEFRAYING THE EXPENSES OF THE COMMITTEE APPOINTED BY THE MASSACHUSETTS LINE TO LIQUIDATE AND ADJUST ARREARAGES.

Legislative  
Records of the  
Council,  
xl, 90.  
Mass.  
Archives,  
ccxxv., 441.  
Mass.  
Resolves,  
Nov. Session,  
chap. 8.

THE COMMITTEE appointed to take into Consideration the Report of the Committee returned from the Army, report partially by way of Resolve:

*Resolved*, That Five Hundred Thousand Dollars be immediately forwarded to Maj. Gen. [William]<sup>1</sup> Heath, for the Purpose of recruiting this State's Quota of the Continental Troops, and that the General be requested to advance the State Bounty in such Proportion as he shall think most conducive for promoting said Service, the said Gen. Heath to be accountable for the Expenditure of the same.

*Resolved*, That the Expence of the Committee appointed by the Massachusetts Line of the Army to liquidate and adjust the Arrearages due from this State to their Officers and Soldiers, be defrayed by this State, during the Time they shall be detained on that Business. [*Passed November 13.*]

## CHAPTER 491.

RESOLVE ALLOWING JOHN COFFIN JONES NINE DAYS TO COMPLETE THE PAYMENT FOR THE ESTATES HERETO BELONGING TO JONATHAN SEWALL OF CAMBRIDGE AND BENJAMIN HOLLOWELL OF BOSTON, HE HAS PURCHASED FROM THE STATE.

Legislative  
Records of the  
Council,  
xl, 91.  
Mass.  
Archives,  
ccxxiv., 440.  
Mass.  
Resolves,  
Nov. Session,  
chap. 7.

ON THE PETITION of John Coffin Jones, praying that he may have granted him his Proportion of the Monies assigned for the Reimbursement of those who sustained Losses in the Penobscot Expedition, and that he may have a longer Time allowed for his compleating the Payment for the two Estates [hereto belonging to Jonathan Sewall of Cambridge and Benjamin Hollowell of Boston]<sup>2</sup> he has purchased of the State:

*Resolved*, That the Prayer thereof be so far granted that the said John Coffin Jones be allowed nine Days from this Time for the compleating the Payment aforesaid. [*Passed November 13.*]

Mass.  
Archives,  
ccxxiv., 438.

## CHAPTER 492.

RESOLVE EMPOWERING MARY WOODCOCK, ADMINISTRATRIX OF HER LATE HUSBAND NATHAN WOODCOCK, DECEASED, TO MAKE SALE OF A CEDAR SWAMP IN ATTLEBOROUGH TO PAY HIS DEBTS.

Legislative  
Records of the  
Council,  
xl, 91.  
Mass.  
Archives,  
ccxxiv., 442.  
Mass.  
Resolves,  
Nov. Session,  
chap. 10.

ON THE PETITION of Mary Woodcock of Boston, in the County of Suffolk, Administratrix of the Estate of her late Husband Nathan Woodcock, deceased, praying that she may be impowered to sell a Piece of Cedar Swamp in the Town of Attleborough, and County of Bristol, containing about five Acres, being the Real Estate of her late deceased Husband, to pay the Debts due from said Estate:

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vii., 684.

<sup>2</sup> Massachusetts Archives, ccxxiv., 438.



*Resolved*, That the said Mary Woodcock be and she hereby is empowered to make sale of the before mentioned piece of cedar swamp, in the town of Attleborough, for the most the same will fetch, and make and execute a good deed or deeds of the same, saving only the Widow's term therein in right of her dower; she observing the rules and directions of the law prescribed to executors and administrators in selling real estates, and giving proper caution to be Judge of Probate in the County of Suffolk, that the neat proceeds thereof shall be disposed of according to law. [*Passed November 13.*]

Mass.  
Archives,  
ccxxiv., 444,  
445. Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 493.

ORDER GRANTING SUBSISTENCE MONEY TO MILITIA OFFICERS DETACHED FOR SERVICE IN AND ABOUT THE HARBOR OF BOSTON, IN LIEU OF RATIONS.

In Council

*Ordered*, That Benjamin Greenleaf and Abraham Fuller, Esquires, be a Committee with such as the Honorable House shall join to examine a Resolve of the General Court of the 17th of September last, and report whether the Continental subsistence money be paid to said Militia with the Continental pay mentioned in said Resolve.

In the House of Representatives

Read and Concurred, and Mr. [Thomas]<sup>1</sup> Walley, Col. [William]<sup>2</sup> Williams and Mr. [Thomas]<sup>3</sup> Parker are joined.

The Committee of both Houses abovementioned have attended the service assigned them, and although no mention is made of rations or subsistence money in the Resolve for detaching 400 men for carrying on and manning the works in and about the harbour of Boston, yet inasmuch as allowances of that kind have generally been made to the officers of the militia when called into the public service, your Committee are of opinion that subsistence money be allowed to the officers of the militia abovementioned, agreeable to a resolution of Congress passed the 18th of August 1779, and that the same be in lieu of rations.

BENJAMIN GREENLEAF per Order

In Council

Read and Accepted.

In the House of Representatives.

Read and Concurred. [*Passed November 15.*<sup>4</sup>]

Legislative  
Records of the  
Council,  
xl., 89.  
Mass.  
Archives,  
ccxxiv., 456-  
457a.  
Mass.  
Resolves,  
Nov. Session,  
chap. 14.

*Ante*, p. 141,  
chap. 287.

## CHAPTER 494.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER TO THE CONTINENTAL NAVY BOARD, AS SOON AS THEY HAVE IT IN THEIR POWER SO TO DO, NINE BARRELS OF FLOUR IN REPAYMENT FOR THOSE TAKEN BY THE SELECTMEN OF BARNSTABLE FOR THE TROOPS STATIONED AT FALMOUTH.

WHEREAS it appears to this Court that at the time of the late alarm at Falmouth a vessel was laying in the harbour of Barnstable loaded with Flour for the use of the Navy-Board in this

Legislative  
Records of the  
Council,  
xl., 92.  
Mass.  
Archives,  
ccxxiv., 453.

<sup>1</sup> Of Boston.

<sup>2</sup> Of Pittsfield.

<sup>3</sup> Of Newton.

<sup>4</sup> This date is same in Massachusetts Resolves, but November 12 according to Legislative Records of the Council.



Mass.  
Resolves,  
Nov. Session,  
chap. 17.

Mass.  
Archives,  
ccxxiv., 454,  
455.

department, from which vessel the Selectmen of Barnstable were under the necessity of taking nine barrels of Flour for the sustenance of the troops assembled at Falmouth aforesaid, and as the Navy-Board have represented that they are now in want of the same: Therefore

*Resolved*, That the Board of War of this State be directed and they are hereby accordingly directed to deliver to the Continental Navy-Board in this department, as soon as they have it in their power so to do, nine barrels of Flour for repayment of those taken by the Selectmen of Barnstable for the purpose aforementioned. [*Passed November 15.*]

Legislative  
Records of the  
Council,  
xl., 93.

Mass.  
Archives,  
ccxxiv., 451.  
Mass.  
Resolves,  
Nov. Session,  
chap. 15.

Mass.  
Archives,  
ccxxiv., 452.

## CHAPTER 495.

RESOLVE GRANTING £51. 3s. 0d. 3f. TO ROBERT BRECK, ESQ., DUE HIM AS ONE OF THE COMMITTEE OF SUPPLIES THE LAST YEAR.

*Resolved*, That there be paid out of the public Treasury of this State to Robert Breck, Esq., fifty-one Pounds three Shillings and three Farthings, which sum is due to said Breck as one of the Committee of supplies the last year. [*Passed November 15.*]

## CHAPTER 496.

RESOLVE DIRECTING THE AGENTS FOR COLLECTING CLOTHING AND BLANKETS TO DELIVER THE SAME TO THE BOARD OF WAR OR THEIR ORDER.

Legislative  
Records of the  
Council,  
xl., 93.  
Mass.

Archives,  
ccxxiv., 450.  
Mass.  
Resolves,  
Nov. Session,  
chap. 16.

*Ante*, p. 72,  
chap. 138;  
p. 133, chap.  
265.

WHEREAS it has been represented to this Court by a Letter from Maj. Gen. [William]<sup>1</sup> Heath that the troops raised by this State for three years or during the war are in great want of blankets, shirts, shoes, and hose: Therefore

*Resolved*, That the Agents appointed by a Resolve of Court passed the 21st of June last to collect shirts, shoes and hose, and the said Agents were directed by a Resolve of Court passed the 14th of September last, to collect blankets in the several Counties within this State, be directed to proceed in the following manner, viz. the Agents in the counties of Suffolk, Essex, Middlesex, York, Cumberland, Lincoln, Plymouth, Barnstable, Bristol, and Dukes-County, to transport their cloathing as soon as may be to Boston, and deliver the same to the Board of War; and the Agents for the counties of Worcester, Hampshire and Berkshire, to pack the cloathing in hogsheads, marking the article and the number each hogshead contains, and deliver the same to the order of the Board of War, taking two receipts of the person who receives them, one of which to be lodged with the said Board of War. [*Passed November 15.*]

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vii., 684.



## CHAPTER 497.

RESOLVE REQUESTING THE COUNCIL TO IMMEDIATELY SEND TO GEN. HEATH THE \$500,000 ORDERED TO RECRUIT THIS STATE'S QUOTA OF THE CONTINENTAL ARMY.

Legislative  
Records of the  
Council,  
xl, 94.  
Mass.  
Archives,  
ccxiv., 449.  
Mass.  
Resolves,  
Nov. Session,  
chap. 12.  

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Ante, p. 234,  
chap. 490.

*Resolved*, That the Honorable Council be requested immediately to send to Maj. Gen. [William]<sup>1</sup> Heath the Five Hundred Thousand Dollars ordered for recruiting this State's quota of the Continental army by a resolve passed the 13th instant. [*Passed November 15.*]

## CHAPTER 498.

RESOLVE PERMITTING GEORGE REINHAST TO TRANSPORT OUT OF THIS STATE, SAILCLOTH, LINEN AND TEA, THE PROPERTY OF PHILIP MOORE OF PHILADELPHIA, IMPORTED FROM FRANCE.

ON THE REPRESENTATION of Philip Moore, Esq., of the city of Philadelphia, by a letter to the Hon. Gen. [John]<sup>2</sup> Hancock, setting forth that he has in the town of Boston sundry articles imported from France, and that by reason of the present land embargo he cannot get said articles out of this State: Therefore

Legislative  
Records of the  
Council,  
xl, 94.  
Mass.  
Archives,  
ccxiv., 446.  
Mass.  
Resolves,  
Nov. Session,  
chap. 11.  

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Province Laws,  
v., 1114,  
chap. 13.

*Resolved*, That George Reinhast be and he hereby is permitted to transport out of this State six hogsheads, containing sixty pieces of sail cloth, and thirty pieces of linnen, and twelve and one quarter chests of hyson tea, being the property of the said Philip Moore; any law to the contrary notwithstanding. [*Passed November 15.*]

## CHAPTER 499.

RESOLVE GRANTING £100 TO THE TOWN OF PRINCETON, IN ABATEMENT OF A FINE, AND AN ADDITIONAL BOUNTY OF £30.

ON THE PETITION of a Committee in the behalf of the town of Princeton, praying for an allowance of part of a fine set on said town for not procuring the number of men set on said town by a Resolve of the General Court of the 20th of April 1778: And whereas it appears to this Court that said town was fined the sum of £200 for a deficiency of two men, when they ought not to have been fined but for one: Therefore

Legislative  
Records of the  
Council,  
xl, 94.  
Mass.  
Archives,  
ccxiv., 447.  
Mass.  
Resolves,  
Nov. Session,  
chap. 13.  

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Mass.  
Archives,  
ccxiv., 448.  
Province  
Laws, xx., 367,  
chap. 970; 386,  
chap. 1030.

*Resolved*, That the Treasurer of this State be and he hereby is directed to pay out of the public Treasury of this State to the Selectmen of the said town of Princeton (for the use of said town) the sum of one Hundred Pounds, in full for said one man, with the addition of thirty Pounds bounty allowed by the State for each man. [*Passed November 15.*]

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vii., 684.

<sup>2</sup> *Ibid.*, vii., 205.



## CHAPTER 500.

RESOLVE DISCHARGING THE MILITIA OF THE TOWN OF DARTMOUTH DETACHED TO DO DUTY IN THE FORT IN THAT TOWN.

Legislative  
Records of the  
Council,  
xl., 95.  
Mass.  
Archives,  
ccxxiv., 460.  
Mass.  
Resolves,  
Nov. Session,  
chap. 18.

*Ante*, p. 81,  
chap. 154.

*Resolved*, That the thirty men, one lieutenant, and such non-commissioned officers as were detached to command them, detached from the militia of the town of Dartmouth by a Resolve of the General Court of the 22d of June last to do duty in the fort in that town till the 1st day of December next, unless sooner discharged, be and they hereby are discharged from said service, and the Secretary is hereby directed to signify the same to the said commanding officer, that they may be dismissed accordingly. [*Passed November 16.*]

## CHAPTER 501.

Legislative  
Records of the  
Council,  
xl., 95.  
Mass.  
Archives,  
ccxxiv., 461.  
Mass.  
Resolves,  
Nov. Session,  
chap. 20.

Mass.  
Archives,  
ccxxiv., 462.

RESOLVE DIRECTING THE STATE TREASURER TO PAY UNTO SARAH BAGLEY, WIDOW OF BENJAMIN, THE GRATUITY DUE HER LATE HUSBAND, NOTWITHSTANDING HE IS RETURNED AS BEING IN CAPTIVITY.

*Resolved*, That the State Treasurer be and he hereby is directed to pay unto Sarah Bagley, Widow of the late Benjamin Bagley, or her Order, the Gratuity due to her said late Husband, he being returned as in Captivity notwithstanding. [*Passed November 16.*]

## CHAPTER 502.

RESOLVE GRANTING £7. 10s. 3d. TO DR. JOSEPH BRIDGHAM FOR MEDICINES AND ATTENDANCE ON JOHN ALLYN, 3d, A SOLDIER IN THE CONTINENTAL ARMY.

Legislative  
Records of the  
Council,  
xl., 96.  
Mass.  
Resolves,  
Nov. Session,  
chap. 21.

ON THE PETITION of Joseph Bridgham, praying for Allowance for Visits and Medicines expended for John Allyn 3d, a Soldier in the Continental Army who came Home on a Furlough to Rehoboth in January, 1778, was soon taken sick with a billious nervous Fever, and applied to the aforesaid Joseph Bridgham, Physician:

*Resolved*, That the Prayer of the Petition be granted, and that there be paid out of the public Treasury of this State to Doct. Joseph Bridgham the Sum of Seven Pounds ten Shillings and three Pence, in full for Medicines and Attendance he expended for the abovesaid John Allyn 3d. [*Passed November 16.*]

## CHAPTER 503.

RESOLVES DISCHARGING JABEZ FISHER, ESQ., AND OTHERS, THE COMMITTEE OF COUNCIL TO PAY ACCOUNTS, OF £55,000 AND CREDITING THEM WITH £343. 6s. 0d. 1F. WHICH APPEARS DUE THEM.

Legislative  
Records of the  
Council,  
xl., 96.  
Mass.  
Archives,  
ccxxiv., 463.

*Resolved*, That the Committee of Council chosen to receive, examine and pay Accounts for Services done in consequence of a Resolve of the General Court the 28th of May, 1779, viz. Jabez Fisher, Benjamin White and Daniel Davis, Esquires, be and they



are hereby discharged of the Sum of Fifty-five Thousand Pounds which they have received by Warrants on the Treasury from January 11th, 1779, to May 8th, 1779, inclusive. And it is further

*Resolved*, That said Committee be credited for the Sum of Three Hundred and forty-three Pounds six Shillings and one Farthing, which appears due to them, and includes a former Ballance of Ten Pounds ten Shillings ten Pence and one Farthing, as will appear by the Report of the Committee for stating Accounts, &c., November 15th, 1779. [*Passed November 16.*]

Mass.  
Resolves,  
Nov. Session,  
chap. 22.

Mass.  
Archives,  
ccxxiv., 464.  
*Ante*, p. 9,  
chap. 6.

## CHAPTER 504.

RESOLVE DIRECTING THE TREASURER TO PAY £12,000 TO THE BOARD OF WAR TO PROCURE CLOTHING AND PROVISIONS FOR THE OFFICERS.

In the House of Representatives

Whereas it is absolutely necessary that the Board of War should be enabled to furnish the Officers with the cloathing promised them by the General Court, and also to procure the provisions agreeable to the Orders lately passed by this House: Therefore

*Resolved*, That the Treasurer of this State be directed immediately to pay to the Board of War the sum of Twelve Thousand Pounds, on account of the warrant they have now on him; any Resolve to the contrary notwithstanding.

In Council

Read and Concurred. [*Passed November 16.*]

Legislative  
Records of the  
Council,  
xl., 96.  
Mass.  
Archives,  
ccxxiv., 465.  
Mass.  
Resolves,  
Nov. Session,  
chap. 19.

Mass.  
Archives,  
ccxxiv., 466;  
ccclxxxv., 50.

## CHAPTER 505.

RESOLVE ADVANCING £300 EACH TO CAPT. CALLENDER AND LIEUT. GREEN OF COL. CRANE'S ARTILLERY REGIMENT THAT THEY MAY JOIN THE SAME.

*Resolved*, That there be paid out of the Treasury of this State the Sum of Three Hundred Pounds to Capt. John Callender, and Three Hundred Pounds to Lieut. Francis Green, Officers in the Regiment of Artillery under Col. [John]<sup>1</sup> Crane, in order that they may immediately proceed to join the Regiment aforesaid, agreeable to Order, they to be charged for the same as Officers of the fifteen Battalions are charged for Gratuities, &c. [*Passed November 17.*]

Legislative  
Records of the  
Council,  
xl., 97.  
Mass.  
Archives,  
ccxxiv., 467.  
Mass.  
Resolves,  
Nov. Session,  
chap. 26.

Mass.  
Archives,  
ccxxiv., 468.

## CHAPTER 506.

VOTE CHOOSING CAPT. EZRA LUNT, COMMISSARY, IN ROOM OF CAPT. WILLIAM LYMAN, EXCUSED.

In the House of Representatives

The House, by Ballot, made Choice of Capt. Ezra Lunt as Commissary for supplying that Part of the Army which was raised by this State, in the Room of Capt. William Lyman, who is hereby at his request excused from that Service.

In Council

Read and Concurred. [*Passed November 17.*]

Legislative  
Records of the  
Council,  
xl., 97.  
Mass.  
Archives,  
ccxxiv., 470.  
Mass.  
Resolves,  
Nov. Session,  
chap. 23.

Mass.  
Archives,  
ccxxiv., 471.  
Province  
Laws, xx., 616,  
chap. 525.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, iii., 30.



## CHAPTER 507.

RESOLVE GRANTING £14. 9s. 2d. TO JOSIAH HARLOW FOR WAGES, TO BE CHARGED TO THE UNITED STATES.

Legislative  
Records of the  
Council,  
xl., 98.  
Mass.  
Resolves,  
Nov. Session,  
chap. 24.

ON THE PETITION of Josiah Harlow, praying for Wages from February 26th, 1778, to the 16th of June following; also for guarding the State's Cloathing from Middleborough, in the State of Massachusetts-Bay, by Bridgwater and Boston, &c., to West-Point in the State of New-York, as set forth in said Petition.

*Resolved*, That there be allowed and paid out of the public Treasury of this State Fourteen Pounds nine Shillings and two Pence for the Petitioner in full, and to be charged to the United States. [*Passed November 17.*]

## CHAPTER 508.

RESOLVE ALLOWING THE COMMITTEE ON ACCOUNTS TO ENGAGE SUCH ASSISTANCE AS THEY SHALL THINK NECESSARY, ON THE BEST TERMS THEY CAN.

Legislative  
Records of the  
Council,  
xl., 98.  
Mass.  
Archives,  
ccxxiv., 472.  
Mass.  
Resolves,  
Nov. Session,  
chap. 25.  
*Ante*, p. 9,  
chap. 6.

ON THE REPRESENTATION of Col. [Loamm]<sup>1</sup> Baldwin, one of the Committee on Accounts, requesting that some Assistance might be allowed them in order to expedite the Business necessary to be completed for the Committee who are to settle with the Army:

*Resolved*, That the Committee on Accounts have Leave to engage such Assistance as they shall think necessary to expedite said Business on the best Terms they can, and for such Time as they may have Occasion therefor. [*Passed November 17.*]

## CHAPTER 509.

RESOLVE REQUESTING THE COUNCIL NOT TO SUFFER THE CARTEL SHIP NEPTUNE BOUND FOR EUROPE TO CARRY MORE THAN 50 PRISONERS, NOR ANY CARTEL TO GO IN THE FUTURE WITHOUT LEAVE OF THE GENERAL COURT, AND THAT PRISONERS ON PAROLE BE CONFINED TO THE TOWN THEY ARE STATIONED IN AND NOT PLACED WITHIN TEN MILES OF ANY SEAPORT.

Legislative  
Records of the  
Council,  
xl., 98.  
Mass.  
Archives,  
ccxxiv., 474.  
Mass.  
Resolves,  
Nov. Session,  
chap. 33.  
Mass.  
Archives,  
ccxxiv., 473-475.

*Resolved*, That the honorable Council of this State be and they are hereby requested, when they shall permit the cartel ship Neptune to sail for Europe, that they suffer the number of prisoners put on board her for exchange not to exceed fifty, and not to permit afterwards any cartel to sail from hence to Europe, unless the General Court shall be assenting thereto; and that they be also requested to cause such prisoners as shall be admitted to their parole to be confined to the limits of the town where they shall be respectively stationed, and that no such prisoners be placed in any town which lies within ten miles of any sea port. [*Passed November 18.*<sup>2</sup>]

<sup>1</sup> *Ante*, p. 9, chap. 6.

<sup>2</sup> This date is same in Massachusetts Resolves, but is November 17 according to the Legislative Records of the Council.



## CHAPTER 510.

RESOLVES APPOINTING WILLIAM GORDON, COMMISSARY AT DARTMOUTH, IN ROOM OF LEMUEL WILLIAMS, RESIGNED, AND ADVANCING HIM £500 TO PURCHASE PROVISIONS.

*Resolved*, That William Gordin [Gordon],<sup>1</sup> the commanding-officer stationed at Dartmouth, be and he is hereby appointed Commissary of provisions, in the room of Lemuel Williams, who has resigned that office: And it is further

*Resolved*, That there be paid out of the public Treasury of this State the sum of Five Hundred Pounds to enable said William Gordin to purchase said provisions, he to be accountable for the expenditure of said sum. [*Passed November 18.*]

Legislative  
Records of the  
Council,  
xl., 99.  
Mass.  
Archives,  
ccxiv., 477.  
Mass.  
Resolves,  
Nov. Session,  
chap. 32.

## CHAPTER 511.

RESOLVE PERMITTING TIMOTHY WHITING, SUTLER, TO CARRY THREE LOADS OF WEST INDIA GOODS OUT OF THIS STATE FOR SUPPLYING LEARNED'S BRIGADE.

*Resolved*, That Timothy Whiting, sutler to the late [Ebenezer]<sup>2</sup> Learned's Brigade, be and he is hereby permitted to carry out of this State three loads of West-India goods for the supply of the troops of said Brigade, the embargo act notwithstanding. [*Passed November 18.*]

Legislative  
Records of the  
Council,  
xl., 100.  
Mass.  
Archives,  
ccxiv., 478.  
Mass.  
Resolves,  
Nov. Session,  
chap. 27.  
Mass.  
Archives,  
ccxiv., 479,  
Province  
Laws, v., 1114,  
chap. 13.

## CHAPTER 512.

RESOLVE RELINQUISHING THIS STATE'S CLAIM TO A NUMBER OF NEGROES RE-CAPTURED BY THE PRIVATEERS HAZARD AND TYRANNICIDE, PROVIDED THEIR FORMER OWNERS PAY FOR THEIR SUPPORT AND CLOTHING.

WHEREAS a number of Negroes were re-captured and brought into this State by the armed Vessels Hazard and Tyrannicide, and have since been supported at the expence of this State, and as the original owners of said Negroes now apply for them: Therefore

*Resolved*, That this Court hereby relinquish and give up any claim they may have upon the said owners for re-capturing said Negroes: Provided they pay to the Board of War of this State the expence that has arisen for the support and cloathing of the Negroes aforesaid. [*Passed November 18.*]

Legislative  
Records of the  
Council,  
xl., 101.  
Mass.  
Archives,  
cxxxv., 410.  
Mass.  
Resolves,  
Nov. Session,  
chap. 31.  
Mass.  
Archives,  
cxlii., 173;  
cxxxv., 407-411.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vi., 639.

<sup>2</sup> Heitman's Historical Register of the Officers of the Continental Army.



## CHAPTER 513.

Legislative  
Records of the  
Council,  
xl., 102.  
Mass.  
Archives,  
ccxiv., 480.  
Mass.  
Resolves,  
Nov. Session,  
chap. 28.

Legislative  
Records of the  
Council,  
xl., 102.

RESOLVE REQUIRING THE DELEGATES WHO SHALL BE CHOSEN TO CONGRESS FOR THE YEAR 1780, AND ARE NOW IN THIS STATE, TO GIVE ANSWER WITHIN TEN DAYS AFTER RECEIVING NOTICE, AND IT IS EXPECTED THEY WILL ATTEND THEIR DUTY IN ROTATION.

*Resolved*, That those Gentlemen<sup>1</sup> who shall be chosen to represent this State in Congress for the year 1780, and are now in this State, give answer to this Court within ten days after receiving notice of their election, whether they accept the appointment; and that it is expected of those who shall declare their acceptance, that they will attend their duty at Congress in rotation. [*Passed November 18.*]

## CHAPTER 514.

RESOLVES DISCHARGING NATHANIEL FREEMAN AND SAMUEL OSGOOD, ESQUIRES, THE COMMITTEE WHO WENT TO THE ARMY, OF £32,307. 12s., ALLOWING THEM £282. 8s. 2d. FOR SERVICES AND EXPENSES, AND FOR LODGING THE RECEIPTS FROM GEN. HEATH AND LIEUT. COL. BASSETT (FOR £31,833. 12s., LEFT FOR RE-ENLISTING THIS STATE'S QUOTA) IN THE SECRETARY'S OFFICE.

Legislative  
Records of the  
Council,  
xl., 103.  
Mass.  
Archives,  
ccxiv., 481.  
Mass.  
Resolves,  
Nov. Session,  
chap. 34.

Mass.  
Archives,  
ccxiv., 483.  
*Ante*, p. 177,  
chap. 371;  
p. 183, chap.  
382.

THE COMMITTEE appointed to settle with Nathaniel Freeman and Samuel Osgood, Esquires, for money they received for the purpose of re-inlisting this State's quota of the Continental army, and also to consider an allowance for their services, have attended that service and find their account, which is herewith exhibited, right cast and well vouched, and ask leave to report the following Resolve:

*Resolved*, That Nathaniel Freeman and Samuel Osgood, Esquires, be discharged from the sum of Thirty-two Thousand three Hundred and seven Pounds twelve Shillings, which they received of the Treasurer of this State on account of a warrant for Sixty Thousand Pounds, dated October 1, 1779, and that there be paid out of the Treasury of this State to the said Nathaniel Freeman and Samuel Osgood, Esquires, the sum of Two Hundred and eighty-two Pounds eight Shillings and two Pence, in full for the balance due to them for their service and expences. And it is further

*Resolved*, That the two receipts, viz. one from Maj. Gen. [William]<sup>2</sup> Heath, for Twenty-nine Thousand five Hundred and twenty-six Pounds, and the other from Barachiah Bassett, Lieutenant Colonel, in behalf of Col. Thomas Marshall, for the sum of Two Thousand three Hundred and seven Pounds twelve Shillings (which sums were lodged by said Committee for the purpose of re-inlisting this State's quota of the Continental army) be lodged in the Secretary's Office, who is hereby directed to furnish the Committee appointed to state the accounts of this State with a copy of the same, in order that the said sums may be properly accounted for. [*Passed November 18.*]

<sup>1</sup> John Hancock, Samuel Adams, Elbridge Gerry, James Lovell, Samuel Holton, George Partridge and Artemas Ward, Esquires, chosen Nov. 18, 1779. — Legislative Records of the Council, xl., 102.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vii., 684.



The STATE OF MASSACHUSETTS BAY to NATHANIEL FREEMAN and SAMUEL OSGOOD.  
Dr. Cr.

1779.			1779.		
Nov.	To Cash paid Expences to and from Camp by Col. Freeman,	£124. 0.8	Oct. 7.	By Cash received of the Treasurer, .	£30,000. 0.0
	To ditto paid by Maj. Osgood,	97.11.6	Nov. 17.	By ditto of ditto, .	2,307.12.0
	Samuel Osgood account for Horse hire 300 miles a 6/,	90. 0.0			£32,307.12.0
	Nathaniel Freeman account for ditto 316 miles a 6/,	94.16.0		Ballance due to the Committee, .	282. 8.2
	To Cash left with Gen. [William] Heath per receipt for 98,420 Dollars,	29,526. 0.0			£32,590. 0.2
	To ditto left with Col. [Barachiah] Bassett for Col. [Thomas] Marshall 7,692 Dollars,	2,307.12.0			
		£32,240. 0.2			
	To Col. Freeman time in prosecuting the business 37 days a £5,	185. 0.0			
	To Maj. Osgood for ditto 33 days a £5,	165. 0.0			
		£32,590. 0.2			

CHAPTER 515.

RESOLVES APPOINTING, EMPOWERING AND INSTRUCTING CAPT. EZRA LUNT AS COMMISSARY OF THIS STATE TO RESIDE AT OR NEAR THE CONTINENTAL ARMY, IN THE ROOM OF WILLIAM LYMAN, RESIGNED, AT £90 PER MONTH, SUBSISTENCE AND EXPENSES.

*Resolved*, That Capt. Ezra Lunt be and hereby is appointed a Commissary of this State, to reside at or near the Continental Army, in the room of William Lyman, who hath resigned, who is hereby impowered and directed to repair to camp without delay, and to receive from the said William Lyman all the stores, the property of this State, which the said Lyman may have remaining on hand, if any such there are; and the said William Lyman is also hereby directed to deliver to the said Ezra Lunt all such stores accordingly, taking duplicate receipts for the same, one of which to be immediately lodged with the Committee appointed to state and settle the accounts of this State. And the said Ezra Lunt is hereby further directed, as soon as he arrives in camp, to advise with the general and field-officers of this State on the most convenient and safe place to deposit said stores, and such other stores as he may from time to time receive from this State, for the purpose of supplying with small stores that part of the continental army raised by this State: And the said Ezra Lunt is also directed to deliver to the Quarter-Master of each regiment of the Continental Army raised by this State, or such other officer or person as may be by the officers of each regiment aforesaid respectively appointed for that purpose, and equal proportion of all such stores, according to the number of rations the officers and soldiers are entitled to by the establishment of Congress, at such times, and so often as shall be by the officers of the several regiments aforesaid thought most convenient to draw them. The stores to be charged to the several regiments respectively as they are drawn, at the prices set to such articles in a late act of this Government, entitled “An act against monopoly and oppression;” the officer applying for the same first producing to the said Commissary a return of the number of men and rations of the regiment, examined, allowed and certified by the Colonel or Commanding

Legislative  
Records of the  
Council,  
xl., 103.  
Mass.  
Archives,  
ccxiv., 484–488.  
Mass.  
Resolves,  
Nov. Session,  
chap. 29.  
  
Ante, p. 239,  
chap. 506.  
Province  
Laws, v., 583,  
chap. 14.



officer of the regiment; and also an order from the Colonel or commanding officer of the regiment, on said return, for the Commissary to deliver such stores to the person therein named and applying, for the use of his regiment, agreeable to this Resolve.

And the said Commissary shall make out a bill of parcels of the stores so delivered, specifying therein the quantities, prices and amount of such articles, dated and signed by him the said Commissary, and delivered with the articles; and also shall take a receipt of the person to whom he delivers them, on the back of such returns, in the following form — *Mutatis mutandis*, viz. .

Massachusetts-Store, at		A.D.	
The	Day of	Commissary, the following articles, viz.	
RECEIVED of		per Gallon,	_____ £.
Gallons of Rum, at		per lb.	_____
lb. of Sugar, at		per lb.	_____
lb. of Coffee, at		per lb.	_____
lb. of Chocolate, at		per lb.	_____
amounting in the whole, to		Pounds,	Shillings, and Pence,
for the use of Colonel _____		regiment; which I am to distribute to the officers	
and soldiers of said regiment, in proportion to their rations; each officer and		soldier therein to be accountable to the State of Massachusetts-Bay, in the	
same proportions, agreeable to the within returns. Received per me.			

And in case any of the staff-officers or companies of artificers (not included in any of said regiments) and belonging to this State, should be desirous of drawing any of such stores, upon application of any such staff-officer, the said Commissary is directed to deliver him his proportion of such stores according to the number of rations he is entitled to receive by the Resolves of Congress, making out a bill of parcels, and taking his receipt therefor similar to the foregoing, excepting that he received the stores for his own use, and is himself to account with this State therefor. And upon application of any of the corps of artificers producing a return of the number of men and rations in any company or corps of them, signed by the commanding officer of such corps or company, with his order for the delivery of the same, on the back of such returns, the same returns having been examined and allowed by the commanding officer of the Brigade they belong to, are stationed within or nearest to, the said Commissary is directed to deliver the proportion of stores to such artificer for the use of such company or corps, making out his bill of parcels, and taking his receipts similar to the form herein mentioned, excepting that he receives them for the use of, and promises to deliver them to the company or corps of artificers for which he applies, and produces the returns and order.

And the said Commissary is further directed to keep a fair account of all the stores he shall so deliver, to whom delivered, for what regiment, company, corps or staff officer, with the number of men and rations in the returns, and the particular times of the delivery, in order that the officers and soldiers may justly account with this State for the same. And the said Ezra Lunt is directed to preserve all such receipts, and to account with the General Court of this State for his doings in said office, when and so often as shall be required of him, and shall from time to time make seasonable application to the Committee appointed by this State to procure and forward stores for said purpose, for such stores or other articles as the army may have occasion for, and he shall keep a fair account of all such stores as he shall receive from time to time, and by whom received, whether they arrived in good order or not; and in case not in good order, the deficiency and cause of it, so far as he can judge. And the said Ezra Lunt is hereby impowered, if the service requires it, to appoint Deputies,



not exceeding three, in different departments, to transact said business, for whose conduct he shall be accountable. And it is further

*Resolved*, That the said Ezra Lunt shall be allowed ninety Pounds for each callender month he shall be employed in said service, for his wages, and also six Pounds per month for his subsistence, over and above the rations he draws from the continent. And each of his Deputies shall be allowed sixty Pounds per callender month wages, and four Pounds ten Shillings subsistence. And a reasonable allowance shall be made for horse-hire and extraordinary expence of travelling, if he or they may have occasion therefor, in the due prosecution of said business, of which a true account shall be kept and laid before the Committee of accounts for allowance and payment. [*Passed November 18.*]

## CHAPTER 516.

VOTE GRANTING BERIAH NORTON AND WILLIAM MAYHEW, ESQUIRES, LIBERTY OF A FLAG TO GO TO NEW YORK TO SOLICIT PAYMENT FOR WHAT THE BRITISH TROOPS HAVE TAKEN FROM MARTHA'S VINEYARD.

THE COMMITTEE of both Houses on the Petition of Beriah Norton, to take into consideration the same and report what may be proper to be done thereon, have heard the Petitioner on the subject matter of his petition: report as their opinion that the said Beriah Norton and William Mayhew, Esquires, have liberty of a Flag to go to New-York to solicit payment for what the British troops have taken from the inhabitants of Martha's Vineyard, and that they may have liberty to take their pay in merchandize if they cannot obtain it in money; they being subject to such instructions as may be given them by this court for the rule of their conduct.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed November 19.*<sup>1</sup>]

Legislative  
Records of the  
Council,  
xl., 100.  
Mass.  
Archives,  
clxxxv., 413.  
Mass.  
Resolves,  
Nov. Session,  
chap. 30.

Mass.  
Archives,  
clxxxv., 412.  
Province  
Laws, xx., 492,  
chap. 176.

## CHAPTER 517.

RESOLVE GRANTING £302 TO JOHN ALDEN FOR THE HIRE OF A SCHOONER, WAGES, VICTUALLING AND ALL OTHER CHARGES ARISING FROM HER DETENTION AT PHILADELPHIA.

ON THE PETITION of John Alden, praying allowance for the detention of a Schooner in Philadelphia:

*Resolved*, That there be allowed and paid out of the public Treasury of this State to John Alden, the sum of three Hundred and two Pounds, in full for the hire of said Schooner, for the sailors wages, and victualling said men, and all other charges arising in consequence of said vessel being detained at Philadelphia, while in the service of this State. [*Passed November 19.*]

Legislative  
Records of the  
Council,  
xl., 107.  
Mass.

Archives,  
ccxxiv., 489.  
Mass.  
Resolves,  
Nov. Session,  
chap. 44.

Mass.  
Archives,  
ccxxiv., 490-  
492.

<sup>1</sup> This date is November 18 according to Legislative Records of the Council and Massachusetts Resolves.



## CHAPTER 518.

RESOLVE GRANTING £8. 11s. EACH TO JOSIAH WARD AND ALEXANDER WATSON, WHO WERE SOLDIERS AT BENNINGTON.

Legislative  
Records of the  
Council,  
xl., 107.  
Mass.  
Archives,  
cxxxv., 323.  
Mass.  
Resolves,  
Nov. Session,  
chap. 45.

ON THE PETITION of Josiah Ward, in behalf of himself and Alexander Watson, setting forth that they were Soldiers in Capt. Asa Rice's Company, and Col. Job Cushing's Regiment of Militia, at Bennington in the year 1777, and that the said Ward was wounded in his leg and was left at Bennington one month and twenty-seven days after the said Regiment was discharged, as is set forth in said Petition:

*Resolved*, That there be allowed and paid out of the public Treasury of this State to Josiah Ward and Alexander Watson the sum of eight Pounds eleven Shillings each, in full for said time. [*Passed November 19.*]

## CHAPTER 519.

RESOLVE EMPOWERING THE COMMANDING OFFICER AT CASTLE ISLAND TO STOP THE FIRST VESSEL LOAD OF WOOD COMING UP, ORDER HER TO UNLOAD AND GIVE A CERTIFICATE FOR THE SAME.

Legislative  
Records of the  
Council,  
xl., 108.  
Mass.  
Archives,  
ccxiv., 493.  
Mass.  
Resolves,  
Nov. Session,  
chap. 40.

*Resolved*, That the Commanding-Officer at Castle-Island be and he hereby is impowered to stop the first vessel load of wood that may be coming up to this town, and order her to unload the same, he the said Officer to give a certificate for the quantity of wood so received. [*Passed November 19.*]

## CHAPTER 520.

RESOLVE MAKING ADDITIONAL ESTABLISHMENT FOR THE OFFICERS OF THE 500 MEN ORDERED DETACHED FOR RHODE ISLAND APRIL LAST.

Legislative  
Records of the  
Council,  
xl., 108.  
Mass.  
Archives,  
ccxiv., 494.  
Mass.  
Resolves,  
Nov. Session,  
chap. 41.

WHEREAS it appears to this Court that the establishment made by a Resolve of the 30th of April last, for the pay of the commissioned officers of the 500 men ordered by a Resolve of the 27th of the same month to be detached from the Militia to do duty in the State of Rhode-Island, was inadequate to the services to be by them performed:

*Resolved*, That there be allowed to the Lieutenant Colonel [Samuel Pierce]<sup>1</sup> commanding said detachment, over and above said establishment, the sum of twelve Pounds for each calendar month; to the Major ten Pounds; to each Captain eight Pounds, and to each Lieutenant the sum of six Pounds. [*Passed November 19.*]

Mass.  
Archives,  
ccxiv., 495.  
Province  
Laws, xx., 694,  
chap. 711; 700,  
chap. 726.

<sup>1</sup> Massachusetts Archives, ccxiv., 495.



## CHAPTER 521.

RESOLVE ALLOWING TO SAMUEL PHILLIPS, MANUFACTURER OF POWDER, THE EQUIVALENT OF EIGHT PENCE (WHEN HE FIRST BEGAN) A POUND, SUPPLYING COAL AND SULPHUR AND PAYING THE STATE FOR THE LATTER IN THE SAME PROPORTION.

ON THE MEMORIAL of Samuel Phillips, representing the great depreciation of the currency since he entered into a contract with this State to manufacture powder for them, and praying for such allowance to be made him for manufacturing said powder as shall be thought reasonable:

*Resolved*, That the said Samuel Phillips be allowed so much per pound for all such gun-powder as he has or shall manufacture for this State, for which he has not yet exhibited an account, as at the time being shall be equivalent to what eight Pence was at the time the Mill first began to work; he to be at the expence of the sulphur and coal, and to pay for the sulphur he is supplied with by the State in the same advanced proportion as he is paid for manufacturing the powder. [*Passed November 19.*]

Legislative  
Records of the  
Council,  
xl., 108.  
Mass.  
Archives,  
ccxiv., 497.  
Mass.  
Resolves,  
Nov. Session,  
chap. 47.

Mass.  
Archives,  
ccxiv., 498.

## CHAPTER 522.

RESOLVE DIRECTING THE BOARD OF WAR TO LOAN ARMS AND AMMUNITION TO THE 4TH REGIMENT IN LINCOLN COUNTY.

ON THE PETITION of Mason Wheaton, Colonel and Commander of the 4th regiment of militia in the county of Lincoln, praying for the loan of one Hundred stand of arms, one Hundred pounds of powder, an Hundred pounds of ball or lead, and three Hundred flints:

*Resolved*, That the prayer of the petition be granted, and that the Board of War be directed to deliver to Col. Thomas Dawes one Hundred stand of arms, one Hundred pounds of powder, and Hundred pounds of ball or lead, and three Hundred flints, for the use of said Wheaton's regiment; he to be accountable for the same. [*Passed November 19.*]

Legislative  
Records of the  
Council,  
xl., 109.  
Mass.  
Archives,  
ccxiv., 499.  
Mass.  
Resolves,  
Nov. Session,  
chap. 46.

Mass.  
Archives,  
ccxiv., 500;  
ccxxv., 51.

## CHAPTER 523.

RESOLVE ADJOURNING THE INFERIOR COURT, ETC., TO BE HELD IN SALEM FOR THE COUNTY OF ESSEX IN DECEMBER UNTIL MARCH NEXT AT IPSWICH ON ACCOUNT OF TRAVELLING BEING BAD, AND PUBLISHING THE SAME IN THE BOSTON NEWSPAPER.

WHEREAS travelling is frequently very bad at the season of the year when the Court of General Sessions of the Peace and Inferior Court of Common Pleas, which by law are appointed to be holden in Salem, in and for the county of Essex, on the last Tuesday of December, and by the Court-House being rendered very inconvenient and uncomfortable to sit in at that season of the year, by the late fire in Salem, and there being no probability of much business to be done at that term:

*Resolved*, That the said Court of General Sessions of the Peace and Inferior Court of Common Pleas, by law to be held at Salem, within and for the county of Essex, on the last Tuesday of Decem-

Legislative  
Records of the  
Council,  
xl., 109.  
Mass.  
Archives,  
ccxxv., 1.  
Mass.  
Resolves,  
Nov. Session,  
chap. 38.



ber next, be adjourned to the last Tuesday of March next, to Ipswich, within said county; and all writs, processes and recognizances returnable to, and all appeals made to the said Court of General Sessions of the Peace and Inferior Court of Common Pleas, appointed by law to be holden at Salem, and all matters, causes and things that have day, or that might have been, had, moved or done at, in or by the said Courts, at the time so appointed for holding the same, shall be returnable to, and may be entered, prosecuted, had, moved and done at, in and by said Court, at the time hereby appointed for holding the same. And the Secretary is hereby directed to publish this Resolve in the next Thursday Boston news-paper. [*Passed November 19.*]

## CHAPTER 524.

RESOLVE DIRECTING JOSEPH HOW AND EBENEZER DEAN OF FRANKLIN TO DELIVER TO MONSIEUR JAMES NEBON TWO HOGS-HEADS OF SUGAR DETAINED BY THEM, HE PAYING THE CHARGES AND SELLING THE SUGAR WITHIN THIS STATE.

ON THE PETITION of Monsieur [James]<sup>1</sup> Nebon, praying for the restoration of two hogsheads of sugar detained in the town of Franklin, by Joseph How and Ebenezer Dean, by virtue of an act of this State:

*Resolved*, That the said How and Dean be and hereby are directed to deliver to Monsieur Nebon the two hogsheads of sugar now detained in their hands by virtue of an act of this State, he paying them the charges of the seizure, and making sale of said sugar within this State. [*Passed November 19.*]

Legislative  
Records of the  
Council,  
xl., 110.  
Mass.  
Archives,  
ccxxv., 2.  
Mass.  
Resolves,  
Nov. Session,  
chap. 36.

Mass.  
Archives,  
ccxxv., 3, 4.  
Province  
Laws, v., 1114,  
chap. 13.

## CHAPTER 525.

RESOLVE REQUESTING MESSIEURS OTIS AND HENLEY TO DELIVER WHAT CLOTH THEY HAVE, SUITABLE FOR THE OFFICERS IN THE ARMY, TO THE BOARD OF WAR.

ON THE MEMORIAL of Thomas Cogswell, Major in Gen. [John]<sup>2</sup> Glover's Brigade, representing that Messieurs Otis and Henley, Continental Agents, have in their possession a quantity of cloth, which is much wanted for the use of the Officers in the army. Therefore

*Resolved*, That Messieurs Otis and Henley be requested to deliver what Cloth they have on hand suitable for said purpose, and charge this State therefor; and the Board of War are hereby directed to apply to them for the same. [*Passed November 19.*]

Legislative  
Records of the  
Council,  
xl., 111.  
Mass.  
Archives,  
ccxxv., 7.  
Mass.  
Resolves,  
Nov. Session,  
chap. 42.

Mass.  
Archives,  
ccxxv., 8.

<sup>1</sup> Massachusetts Archives, ccxxv., 4.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vi., 508.



## CHAPTER 526.

RESOLVE DECLARING THAT EACH TOWN (EXCEPT THOSE IN CUMBERLAND AND LINCOLN COUNTIES) SHALL PAY £600 FOR EACH MAN THEY WERE DEFICIENT IN RAISING MEN TO RE-ENFORCE THE CONTINENTAL ARMY AGREEABLE TO A RESOLVE OF JUNE 8, 1779.

WHEREAS in and by a Resolve of this State passed the 8th day of June, in the present year, for raising two Thousand men for re-inforcing the Continental Army, it is ordered that each town and plantation should severally incur such penalty, for the use of this State, as the General Court should thereafter determine, for every man they should be deficient in their respective quotas, agreeable to the requirements of the said Resolve: It is therefore

*Resolved*, That each town and plantation in this State (except those in the counties of Cumberland and Lincoln) shall incur, forfeit and pay, for each man they were deficient as aforesaid, the sum of six Hundred Pounds, to be assessed to such delinquent towns and plantations in the next state-tax. [*Passed November 19.*]

Legislative  
Records of the  
Council,  
xl., 111.  
Mass.  
Archives,  
ccxxv., 9.  
Mass.  
Resolves,  
Nov. Session,  
chap. 39.

*Ante*, p. 38,  
chap. 75.

## CHAPTER 527.

RESOLVE RESTORING THE TRIAL OF THE LIBEL OF JOSEPH OTIS AND OTHERS AGAINST THE SCHOONER BETSEY TO THE MARITIME COURT OF THE SOUTHERN DISTRICT.

WHEREAS it was determined by a Resolve of this Court, on the 4th of October last, that the trial of the justice of the capture of the schooner Betsey, her cargo and appurtenances, notified by the Judge of the Maritime Court, in consequence of a libel filed in said court by Joseph Otis, Esq., and others, to be held at Plymouth on the 4th Tuesday of October last, should (for certain reasons in said Resolve mentioned) be tried and determined at the Maritime Court which should be holden in and for the Middle District, next after the said 4th Tuesday of said October, &c. and whereas it has been represented to this House that it would be inconvenient for the libellants to attend the trial at the time fixed for the sitting of said court, and whereas it appears that a court is now soon to be held in said Southern District, where the cause ought originally, according to law, to be heard and determined: Therefore

*Resolved*, That the trial of the justice of said capture be had and the cause determined at the next Maritime Court to be held in the Southern District, in the same manner it would have been had and determined on if no interposition of the General Court had taken place. [*Passed November 19.*]

Legislative  
Records of the  
Council,  
xl., 111.  
Mass.  
Archives,  
ccxxv., 10.  
Mass.  
Resolves,  
Nov. Session,  
chap. 35.

*Ante*, p. 207,  
chap. 436.

## CHAPTER 528.

RESOLVE DIRECTING THE BOARD OF WAR TO SELL A BLANKET OR RUG TO ANY OFFICER OF THE ARMY FOR HIS OWN USE.

*Resolved*, That the Board of War be and they hereby are directed to sell to any Officer belonging to this State's proportion of the Continental Army, if in their power, a blanket or rug for his own use, if he has occasion for the same. [*Passed November 19.*]<sup>1</sup>

Legislative  
Records of the  
Council,  
xl., 113.  
Mass.  
Archives,  
ccxxv., 11.  
Mass.  
Resolves,  
Nov. Session,  
chap. 43.

<sup>1</sup> This date is same in Massachusetts Resolves, but November 20 according to Legislative Records of the Council.



## CHAPTER 529.

RESOLVE EMPOWERING THE TOWN OF WALTHAM TO CHOOSE A CONSTABLE OR COLLECTOR, OBSERVING THE SAME RULES AND REGULATIONS AS THEY WOULD AT THE MARCH MEETING.

Legislative  
Records of the  
Council,  
xl., 114.  
Mass.  
Archives,  
ccxxv., 18.  
Mass.  
Resolves,  
Nov. Session,  
chap. 37.

Mass.  
Archives,  
ccxxv., 19.

ON THE PETITION of Abner Sanderson, in behalf of the town of Waltham, praying that said town may be empowered to choose a Constable or Collector, to serve said town the present year, for reasons mentioned in said petition:

*Resolved*, That the prayer of said petition be granted, and the town of Waltham be and they hereby are empowered to choose a Constable or Collector, to serve said town the present year, they observing the same rules and regulations in the choice thereof as is by law required in the choice of town-officers in their annual meetings in March: Any law of this State to the contrary notwithstanding. [*Passed November 20.*<sup>1</sup>]

## CHAPTER 530.

RESOLVE DIRECTING THE SELECTMEN OF EDGARTOWN, FOR THE YEAR LAST PAST, TO ISSUE A WARRANT FOR A MEETING TO ELECT TOWN OFFICERS, NONE HAVING BEEN HELD LAST MARCH ON ACCOUNT OF THE SMALLPOX.

Legislative  
Records of the  
Council,  
xl., 112.  
Mass.  
Archives,  
ccxxv., 13.  
Mass.  
Resolves,  
Dec. Session,  
chap. 37.

Mass.  
Archives,  
ccxxv., 14.

ON THE PETITION of a number of the inhabitants of the town of Edgartown, shewing that they failed of choosing a number of their town-officers at their last annual March meeting, by reason of the prevailing spread of the small-pox, then in that place, and praying that this Court would adopt such measures that said town may be empowered to elect such town-officers as may be wanting:

*Resolved*, That the Selectmen of said town for the year last past be and they are hereby directed and impowered to grant their warrant for a meeting of the freeholders and other inhabitants of said town, for the purpose above-mentioned. Any law, usage or custom of this State to the contrary notwithstanding. [*Passed November 20.*]

## CHAPTER 531.

RESOLVE SUSPENDING THE SALE OF THE REAL ESTATE OF WILLIAM BROWN, ESQ., ABSENTEE, PENDING ENQUIRY AS TO ITS ENTAIL, AND DIRECTING THE COMMITTEE ON ESTATES OF ABSENTEES TO MAKE FURTHER ENQUIRY AS TO HIS PERSONAL ESTATE.

Legislative  
Records of the  
Council,  
xl., 113.  
Mass.  
Archives,  
ccxxv., 15.  
Mass.  
Resolves,  
Nov. Session,  
chap. 50.

Mass.  
Archives,  
ccxxv., 16.  
*Ante*, p. 152,  
chap. 312.

ON THE MEMORIAL of the Committee appointed by the General Court to sell the estates of certain absentees, lying in the County of Essex:

*Resolved*, That the said Committee be and they are hereby directed to suspend the sale of such parts of the real estate of William Brown, Esq., as are not already disposed of, till the further order of the General Court; and the said Committee are hereby required, without delay, to enquire into the entail mentioned in their memorial, and to demand to Joseph Blaney, Esq., that he should immediately lay before them all claims that he has on the houses and lands advertised for sale by the Committee; and the

<sup>1</sup> This date is same in Legislative Records of the Council, but November 19 according to Massachusetts Resolves.



said Blaney is hereby required to lay before the said Committee all such claims forthwith; and the said Committee are also directed to make every necessary enquiry relative to the personal estate left by the said William Brown, which they have not already been possessed of, and to make report to the General Court of their doings in the premisses as soon as may be. [*Passed November 20.*]

## CHAPTER 532.

RESOLVE DIRECTING THE TREASURER TO PAY MONEY RECEIVED FROM THE SALE OF ESTATES OF ABSENTEES FOR DEFRAYING THE PUBLIC EXPENSES.

*Resolved*, That the Treasurer of this State be and he hereby is directed to pay the Monies he receives from the sales of the confiscated estates in discharge of any warrants which may be drawn on him for defraying the public expences. [*Passed November 20.*]

Legislative  
Records of the  
Council,  
xl., 114.  
Mass.  
Archives,  
ccxxv., 22.  
Mass.  
Resolves,  
Nov. Session,  
chap. 52.  
Mass.  
Archives,  
cliv., 286.

## CHAPTER 533.

RESOLVE DEDUCTING £42, THE BOUNTY FOR THREE MEN ON THE LATE EXPEDITION TO RHODE ISLAND, FROM THE NEXT STATE TAX OF THE TOWN OF LINCOLN.

ON THE PETITION of the Selectmen of the town of Lincoln, praying for an allowance of fourteen Pounds, paid to each of the three men raised in said town agreeable to a Resolve of the General Assembly of this State passed June 12, 1778:

*Resolved*, That the prayer of the petition be granted, and that there be deducted from the aforesaid town's proportion of the next State-tax the sum of forty-two Pounds, which is in full for the bounty paid three men for going on an expedition to Rhode-Island, agreeable to a Resolve of this State. [*Passed November 20.*]

Legislative  
Records of the  
Council,  
xl., 114.  
Mass.  
Archives,  
ccxxv., 23.  
Mass.  
Resolves,  
Nov. Session,  
chap. 48.  
Mass.  
Archives,  
ccxxv., 24-26.  
Province  
Laws, xx., 441.  
chap. 55.

## CHAPTER 534.

RESOLVES DIRECTING CAPT. SETH BARNES TO DELIVER TWO PERMITS TO THE SECRETARY'S OFFICE, AND PERMITTING HIM TO TRANSPORT CORN, CIDER, MOLASSES, SUGAR, RUM AND TOBACCO TO NOVA SCOTIA IN THE SCHOONER BEVER AS NECESSARIES FOR HIS FAMILY.

UPON THE PETITION of Seth Barnes,<sup>1</sup> praying for permission to carry down some necessaries to his family at Nova Scotia; your Committee finds said Barnes has had two permits of this Court of February 28th and March 2d 1778. Said Barnes has brought up effects on account of said permits:

*Resolved*, That the said Barnes deliver into the Secretary's office the two permits above-mentioned: Also

*Resolved*, That the prayer of said petition be so far granted that the said Barnes be and hereby is permitted to transport from this State, in the schooner Bever, said Barnes master, viz. one Hundred bushels of corn, twenty barrels of cyder, two hogsheads of molasses, two barrels of sugar, two barrels of rum, and one

Legislative  
Records of the  
Council,  
xl., 115.  
Mass.  
Archives,  
ccxxv., 27.  
Mass.  
Resolves,  
Nov. Session,  
chap. 50.  
Mass.  
Archives,  
ccxxv., 28.  
Province  
Laws, xx., 309,  
chap. 824.

<sup>1</sup> Signature, Massachusetts Archives, ccxxv., 28, may be Barnes or Barny.



Hundred pounds weight of tobacco; and all commanders of ships of war and privateers of this State are ordered, and it is recommended to the commanders of other armed vessels not to molest or impede the said Barns in going from this State to Nova-Scotia. [*Passed November 20.*]

## CHAPTER 535.

RESOLVE DIRECTING THE BOARD OF WAR TO PROVIDE THREE IRON THREE POUND FIELD-PIECES FOR THE TOWN OF SALEM IN LIEU OF THREE CANNON LENT, TO BE CHARGED TO THE UNITED STATES.

Legislative  
Records of the  
Council,  
xl., 115.  
Mass.  
Archives,  
clxxxvi., 2.  
Mass.  
Resolves,  
Nov. Session,  
chap. 58.

ON THE PETITION of George Williams, Agent for the town of Salem, praying for satisfaction to be made to the said town of Salem for three cannon they spared for the service of the United States, as by a certificate accompanying said petition may more fully appear:

Mass.  
Archives,  
clxxxvi., 1, 2a.

*Resolved*, That the prayer of the petition be granted, and that the Board of War be and hereby are directed to provide three iron field-pieces, three pounders, and replace them to the town of Salem, in lieu of the cannon lent; and that the same be charged to the United States. [*Passed November 20.*]

## CHAPTER 536.

RESOLVES ADVANCING £50,000 TO THE COMMITTEE TO CONCUR AND PAY ACCOUNTS AND DIRECTING THE COMMITTEE FOR STATING ACCOUNTS AGAINST THE CONTINENT TO EXAMINE THEIR ACCOUNTS AND EXPENDITURES, ADJUSTING AND SETTLING THE SAME.

Legislative  
Records of the  
Council,  
xl., 116.  
Mass.  
Archives,  
cxxxv., 30.  
Mass.  
Resolves,  
Nov. Session,  
chap. 51.  
*Ante*, p. 198,  
chap. 416.

WHEREAS it has been represented to this Court that the money which was appropriated at the last Session of the General Court to pay such accounts as have been allowed by the Committee on Accounts is expended, and it is necessary that a further sum be appropriated for that purpose: Therefore

*Resolved*, That the Honorable Council be and they hereby are authorized to issue their warrants from time to time on the Treasurer of this State, in favour of the Committee appointed by Council to concur and pay accounts, for such sums as they (the Council) shall judge necessary for payment thereof, provided the amount of such warrants shall not exceed the sum of fifty Thousand Pounds; said Committee to be accountable for the expenditure of the money they shall receive.

And whereas it is necessary that the accounts paid by the Committee for concurring and paying accounts, together with the vouchers, should be lodged in the hands of Peter Boyer and others, a Committee for stating accounts against the Continent: Therefore

*Resolved*, That the said Peter Boyer and others, the Committee aforesaid, be and they hereby are directed, from time to time, as there may be occasion, to examine the accounts paid by said Committee on Accounts, the monies they have received by warrants on the Treasury or otherwise, together with their expenditures, adjust and settle the same, making the proper balances and report to this Court the state of every settlement, until further order. [*Passed November 20.*]



## CHAPTER 537

RESOLVES EXTENDING THE GRATUITIES UNDER RESOLVE OF FEB. 6, 1779, UNTO CAPT. EZRA LUNT AND OTHERS, SUPERNUMERARY OFFICERS IN COL. HENRY JACKSON'S REGIMENT AND THE BATTALIONS RAISED FOR THE CONTINENTAL ARMY.

ON THE PETITION of Capt. Ezra Lunt and others, supernumerary officers of Col. Henry Jackson's regiment, setting forth, that in the late arrangement of the Continental Army they were put on the supernumerary list, that they have certificates to show that they have done their duty faithfully while in the army, and are still liable to be called upon, in case officers are wanted, and praying they may be allowed such gratuities and privileges as are allowed other officers of this State in the service of the United States, by the late Resolves of the Honorable Court:

*Resolved*, That there be allowed and paid out of the Treasury of this State to each of said petitioners the sum granted to officers of equal rank by a Resolve of February 6, 1779, in proportion to the time they continued in said service, which shall be in full of all gratuities or allowances whatever. And it is further

*Resolved*, That this gratuity shall extend to all officers in similar circumstances belonging to the battalions raised by this State for the Continental Army. [*Passed November 20.*]

Legislative  
Records of the  
Council,  
xl., 116.  
Mass.  
Archives,  
ccxxv., 31.  
Mass.  
Resolves,  
Nov. Session,  
chap. 53.

Mass.  
Archives,  
ccxxv., 32.  
Province  
Laws, xx., 587,  
chap. 446.

## CHAPTER 538.

RESOLVE POSTPONING THE INFERIOR COURT TO BE HELD AT WORCESTER ON THE FIRST TUESDAY OF DECEMBER UNTO THE SECOND TUESDAY ON ACCOUNT OF THANKSGIVING, AND DIRECTING THE PUBLISHING OF SAME IN THE BOSTON AND WORCESTER NEWSPAPERS.

WHEREAS by reason of the public Thanksgiving being appointed on the 9th of December next, it will be inconvenient to have the Court of General Sessions of the Peace and Inferior Court of Common Pleas held at Worcester, in and for the county of Worcester, on the 1st Tuesday of December next:

*Resolved*, That the said Court of General Sessions of the Peace and Inferior Court of Common Pleas by law to be held at Worcester, within and for the county of Worcester, on the 1st Tuesday of December, shall be holden at Worcester aforesaid, on the 2nd Tuesday of the same month; and that all writs, processes and recognizances returnable to, and all appeals made to the said Court of General Sessions of the Peace and Inferior Court of Common Pleas, appointed by law to be holden at Worcester, and all matters, causes and things that have day, or that might have been had, moved or done at, in or by the said Courts, at the time so appointed for holding the same, shall be returnable to, and may be entered, prosecuted, had, moved and done at, in and by the said Courts, at the time herein appointed for holding the same. And the Secretary is hereby directed to publish this Resolve in the next Boston and Worcester news-papers. [*Passed November 20.*]

Legislative  
Records of the  
Council,  
xl., 117.  
Mass.  
Archives,  
ccxxv., 33.  
Mass.  
Resolves,  
Nov. Session,  
chap. 49.



## CHAPTER 539.

RESOLVES EXTENDING THE GRATUITIES UNDER RESOLVE OF FEB. 6, 1779, TO MAJ. JOHN STEEL TYLER AND OTHERS, LATE OFFICERS IN COL. HENRY JACKSON'S REGIMENT AND THE BATTALIONS RAISED FOR THE CONTINENTAL ARMY, WHO RESIGNED ON ACCOUNT OF THE DEPRECIATION OF CURRENCY AND EXORBITANT PRICES.

Legislative  
Records of the  
Council,  
xl., 118.  
Mass.  
Archives,  
ccxxv., 34.  
Mass.  
Resolves,  
Nov. Session,  
chap. 54.

ON THE PETITION of Maj. John Steel Tyler and others, resigned officers of Col. Henry Jackson's regiment, setting forth, that they were under a necessity of resigning on account of the great depreciation of the currency and the exorbitant price of every article of consumption, and that they have received honorable discharges, and praying they may be allowed the gratuity which was allowed to officers in the Continental Army belonging to this State by a Resolve of the General Court February 6, 1779:

Mass.  
Archives,  
ccxxv., 35.  
*Supra*, chap.  
537.

*Resolved*, That there be allowed and paid out of the Treasury of this State to each of said Petitioners the sum granted to officers of equal rank by a Resolve of February 6, 1779, in proportion to the time they continued in said service, which shall be in full of all gratuities or allowances whatever, they producing certificates of their being honorably discharged. And it is further

*Resolved*, That this gratuity shall extend to all officers in similar circumstances belonging to the battalions raised by this State for the Continental Army. [*Passed November 20.*]

## CHAPTER 540.

RESOLVES REMITTING A FINE OF £200 AND £45. 19s. 6d. OVER TAX FOR TRAVEL AND ATTENDANCE OF THEIR REPRESENTATIVE TO THE TOWN OF MANCHESTER.

Legislative  
Records of the  
Council,  
xl., 118.  
Mass.  
Archives,  
cxxxv., 114.  
Mass.  
Resolves,  
Nov. Session,  
chap. 55.

WHEREAS it appears that the town of Manchester is diminished by one half since they furnished their proportion for the Continental Army, and that they have suffered in a singular manner since the commencement of the war:

*Resolved*, That there be remitted to said town of Manchester the sum of two Hundred Pounds, which was by the last tax-act laid on them for a deficiency of two men of the number required by a Resolve of April 20, 1778. And whereas it appears that said town of Manchester was taxed in the last tax-act the sum of forty-five Pounds nineteen Shillings and six Pence, for the travel and attendance of their Representative, more than was due from them on that account:

*Resolved*, That the aforesaid sum of forty-five Pounds nineteen Shillings and six Pence be remitted to the town of Manchester. [*Passed November 20.*]

Mass.  
Archives,  
cxxxv., 112.  
Province  
Laws, xx., 367,  
chap. 970.



## CHAPTER 541.

RESOLVE GRANTING £2,700 TO HENRY HILL, ESQ., ONE OF THE MANAGERS OF THE STATE'S LOTTERY, FOR HIS OWN MONEY USED FOR THE LOW PRIZES, ON ACCOUNT OF THE MONEYS HE RECEIVED FOR TICKETS BEING TAKEN OUT OF CIRCULATION.

UPON THE PETITION OF Henry Hill, Esq., one of the Managers of the State Lottery, praying that he may be allowed the money which he has paid of his own property for the low prizes in the third class of said Lottery, on account of the monies which he received for tickets being taken out of circulation by a Resolve of Congress:

*Resolved*, That there be paid out of the public Treasury of this State to Henry Hill, Esq., one of the Managers of this State's Lottery, the sum of two Thousand seven Hundred pounds, he to be accountable for the same. [*Passed November 20.*]

Legislative  
Records of the  
Council,  
xl., 119.  
Mass  
Archives,  
ccxv., 37.  
Mass  
Resolves,  
Nov. Session,  
chap. 59.  
Mass.  
Archives,  
ccxv., 38.

## CHAPTER 542.

RESOLVES APPOINTING AND EMPOWERING THE AGENTS FOR COLLECTING CLOTHING TO BE INSPECTORS OF THE SAME ON TAKING THE PRESCRIBED OATH.

WHEREAS it has been represented that some of the cloathing which has been heretofore collected from the different towns in this State, for the use of the army, has been of such quality as is very unsuitable for the use for which they were intended, and that some of the Agents for receiving cloathing in the different counties have not considered themselves authorized to examine and reject such articles as are unmerchtable: Therefore

*Resolved*, That the respective Agents appointed in each county for receiving said cloathing, be and they hereby are appointed as Inspectors also of the cloathing which is or may be collected in their respective counties, pursuant to a Resolve of the General Court of the 21st of June last, and the said Inspectors shall, previous to entering on the duty by this Resolve assigned them, take the following oath, viz.

I A. B. being appointed an Inspector of the Cloathing collected in the County of \_\_\_\_\_ agreeable to a Resolve of the General Assembly of the 21st of June last, do solemnly swear, that I will not approve of any articles of said cloathing but such as shall appear, upon careful and thorough examination, to be made of good materials and faithfully manufactured.

So help me God.

And provided any article shall be disapproved of by the Inspector, if he shall know the person of whom he received it, and the Committee on Accounts have not passed an account for the same, then the said Agent and Inspector shall deduct such article from the return which he was ordered to make to said Committee, and shall return said article to the person of whom he received it: But if the said Agent and Inspector shall not know the person of whom he received such article, or if the same shall be allowed for by the Committee on Accounts, in such case, said Agent and Inspector shall dispose of the same on the best terms he can, and account for the proceeds to the Committee on Accounts. [*Passed November 22.*]

Legislative  
Records of the  
Council,  
xl., 120.  
Mass.  
Archives,  
ccxv., 40.  
Mass.  
Resolves,  
Nov. Session,  
chap. 62.  
*Ante*, p. 72,  
chap. 138.



## CHAPTER 543.

## RESOLVE DEDUCTING £31. 4s. FROM THE NEXT TAX SET UPON THE TOWN OF HALIFAX.

Legislative  
Records of the  
Council,  
xl., 111d.  
Mass.  
Archives,  
ccxv., 41.  
Mass.  
Resolves,  
Nov. Session,  
chap. 60.  
Mass.  
Archives,  
ccxv., 42.

THE COMMITTEE to whom the Petition of the Selectmen of Halifax was committed, have examined the subject matter thereof, and find said Town taxed the sum mentioned in said petition for a Representative's pay, when they had no Representative from said Town:

*Resolved*, That there be deducted out of the next Tax set upon the Town of Halifax, the sum of thirty-one Pounds four Shillings, being the same sum affixed to said Town in the last Tax-Bill. [*Passed November 22.*]

## CHAPTER 544.

## RESOLVE DIRECTING THE NAVAL OFFICER FOR THE PORT OF BOSTON TO CLEAR OUT WINES FOR WILLIAM ERSKINE.

Legislative  
Records of the  
Council,  
xl., 112d.  
Mass.  
Archives,  
ccxv., 43.  
Mass.  
Resolves,  
Nov. Session,  
chap. 64.  
Mass.  
Archives,  
ccxv., 44.  
Province  
Laws, v., 1114,  
chap. 13.

THE PETITION of William Erskine humbly shews that your Petitioner is owner of the Ship Henry, William Burke Commander, that said Ship is bound to Philadelphia, and has on board a parcel of Wines, belonging to the Continent as your Honors will observe by the inclosed Certificate,<sup>1</sup> which cannot be cleared out without permission from your Honors. Your Petitioner therefore humbly prays, that your Honors will direct the Naval-Officer to clear out said Wines, and your Petitioner as in duty bound will ever pray

WILLIAM ERSKINE

In Council, Read and

*Resolved*, That the prayer of his Petition be granted, and that [Nathaniel Barber, Esq.],<sup>2</sup> the Naval-Officer for the Port of Boston be and he hereby is directed to clear out the Wines mentioned therein, the present Act for laying an embargo notwithstanding.

In the House of Representatives

Read and Concurred. [*Passed November 22.*]

## CHAPTER 545.

## RESOLVE VESTING THE INHABITANTS OF THE FOURTH PARISH IN NEWBURY WITH ALL THE POWERS AND PRIVILEGES OF OTHER PARISHES.

Legislative  
Records of the  
Council,  
xl., 112d.  
Mass.  
Resolves,  
Nov. Session,  
chap. 65.

ON THE PETITION of Moses Little, Esq., in behalf of the 4th parish in Newbury:

*Resolved*, That the inhabitants of the 4th parish in Newbury be and hereby are vested with full power and authority to exercise all the powers and privileges of other parishes within this State, the construction of any Resolve of the General Court heretofore passed notwithstanding. [*Passed November 22.*]

These Certify that the Subscriber by order of the Honorable Congress have shipped on Board the Ship Henry, William Burke, for Philadelphia a parcel of Madeira Wines, viz. ninety pipes and half pipes.

<sup>1</sup> BOSTON, 22d Nov. 1779.

J[OHN] <sup>3</sup> BRADFORD.

<sup>2</sup> Province Laws, xx., 589, chap. 450.

<sup>3</sup> *Ibid.*, 296, chap. 790.



## CHAPTER 546.

RESOLVES DIRECTING THE BOARD OF WAR TO FURNISH EACH OFFICER IN GLOVER'S AND OTHER BRIGADES WITH ONE HANDKERCHIEF.

WHEREAS Maj. Cogswell, Agent for Gen. [John]<sup>1</sup> Glover's Brigade, has procured a Handkerchief for each Officer in said Brigade, which Handkerchiefs the Board of War think themselves not authorized to pay for: Therefore

*Resolved*, That the Board of War be and hereby are directed to pay for said Handkerchiefs and deliver them to Maj. Thomas Cogswell, taking his receipt for them in the same manner as they are directed for other cloathing. And it is further

*Resolved*, That in case the Agents for any other of the Brigades of this State should apply for Handkerchiefs, that the Board of War are hereby directed to furnish them (if to be had) in the same manner. [*Passed November 22.*]

Legislative  
Records of the  
Council,  
xl., 112d.  
Mass.  
Archives,  
ccxxv., 45.  
Mass.  
Resolves,  
Nov. Session,  
chap. 63.

## CHAPTER 547.

RESOLVE CONFIRMING THE ELECTION OF EBENEZER METCALF AND EBENEZER ALLDIS, COLLECTORS OF TAXES FOR THE TOWN OF FRANKLIN.

ON THE PETITION of the Selectmen of Franklin, praying that the votes passed at a legal town-meeting held at Franklin on the 2nd day of August last, for the choice of two Collectors, may be confirmed, and that the said Collectors, viz. Ebenezer Metcalf and Ebenezer Alldis, may be vested with the same power and authority to levy and collect all such rates and taxes as have or shall be committed to them by lawful authority, as though they were or had been chosen in the month of March last:

*Resolved*, That the votes passed by the town of Franklin on the 2nd day of August last be and hereby are confirmed, and that the said Ebenezer Metcalf and Ebenezer Alldis, who were chosen Collectors of Taxes at said meeting, be and they are hereby vested and empowered to levy and collect all such rates and taxes as shall be committed to them with lawful warrants to collect the same, in as ample manner as though they had been chosen in the month of March last; any law to the contrary notwithstanding. [*Passed November 22.*]

Legislative  
Records of the  
Council,  
xl., 113d.  
Mass.  
Archives,  
ccxxv., 46.  
Mass.  
Resolves,  
Nov. Session,  
chap. 61.  
Mass.  
Archives,  
ccxxv., 47.

## CHAPTER 548.

RESOLVE APPOINTING A COMMITTEE TO VIEW CHESTERFIELD AND THE GORE ADJOINING, CONSIDER ITS INCORPORATION AND REPORT TO THE NEXT GENERAL COURT.

ON THE PETITION of a part of Chesterfield, and also of a Gore of Land adjoining, praying they may be incorporated into a Town, as set forth in their petition, and also upon consideration of the answer made by the Town of Chesterfield, praying that said petition may be dismissed, for reasons mentioned in said answer:

*Resolved*, That Timothy Danielson, Esq., Maj. [Warham]<sup>2</sup> Parks

Legislative  
Records of the  
Council,  
xl., 113d.  
Mass.  
Archives,  
ccxxv., 48.  
Mass.  
Resolves,

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vi., 508.

<sup>2</sup> Of Westfield.



Nov. Session,  
chap. 69.

*Ante*, p. 133,  
chap. 264.

and Mr. [Timothy]<sup>1</sup> Clark, be a Committee to repair to Chesterfield, and view the Town of Chesterfield and said Gore or Gores of Land adjoining thereto, set forth in the petitions aforesaid, and also consider the act of the incorporation of the Town of Chesterfield into a Town, and hear the parties relating to the premises, and all or any matter or thing that may be laid before said Committee by either party conferring their petitions and answer aforesaid, and act for the incorporation abovesaid, and make report to the Court on the 3rd Wednesday of the next May session of the then General Court what they think proper to be done in the premises; said Committee giving notice to all parties concerned of time and place of their meeting for the purpose aforesaid, the cost and expences of said Committee to be paid by the petitioners. [*Passed November 23.*]

## CHAPTER 549.

RESOLVE ALLOWING ONE MOIETY OF ALL DIVIDENDS OF PRIZE GOODS AND SHARES OF PRIZE MONEY WHICH ANY DESERTER FROM THE AMERICAN TROOPS, ENTERING ON BOARD SHIPS OF WAR, IS ENTITLED TO, TO THE PERSON OR PERSONS INFORMING AGAINST AND SECURING SUCH DESERTER.

Legislative  
Records of the  
Council,  
xl., 114d.  
Mass.  
Archives,  
cxcv., 49.  
Mass.  
Resolves,  
Nov. Session,  
chap. 68.

Province  
Laws, v., 1075,  
chap. 9.

WHEREAS by an Act of this State passed in the present year, intituled, "An Act to prevent Deserters from the American Troops entering on board Ships of War," it is among other things enacted, that any non-commissioned officer or private soldier belonging to the Continental Army or the troops in the service and pay of this State, who shall desert and enter on board any armed ship or vessel of war and proceed on a cruize, and shall assist in capturing any vessel or vessels, goods, wares or merchandizes, which may hereafter be condemned as prizes, shall forfeit all his right and title to the same, and all shares of any such prizes or dividends of prize-goods, which he might otherwise be intitled to, shall enure and accrue to the use of this State; and as by said Act no reward is offered for the discovery of such deserters: Therefore

*Resolved*, That one moiety of all dividends of prize-goods and shares of prize-money, which any such deserter might otherwise be intitled to, shall enure and accrue to the person or persons who shall inform against and secure such deserter, so as he shall be returned to the corps he belonged to at the time of his desertion; the other moiety to accrue to the use of the said State; any law, usage or custom to the contrary notwithstanding. And the Secretary is directed to cause this Resolve to be published in the several Boston news-papers. [*Passed November 23.*]

## CHAPTER 550.

RESOLVE EMPOWERING THE GUARDIAN OF ARTEMAS MORE, A MINOR, TO SELL WOODLAND IN HOLDEN IN ORDER TO GIVE HIM AN ACADEMICAL EDUCATION.

Legislative  
Records of the  
Council,  
xl., 115d.  
Mass.  
Archives,  
cxcv., 50.

ON THE PETITION of Loring Lincoln, of Brookfield, in the County of Worcester, Guardian to Artemas More, a minor, praying for liberty to sell two pieces of land, one of about thirty acres of woodland, lying in the town of Holden, and about twenty acres of land

<sup>1</sup> Of Southampton.

<sup>2</sup> This date is same in Massachusetts Resolves, but November 22 according to Legislative Records of the Council.



in Paxton, belonging to said minor, to enable said Guardian to give the said Artemas an academical education:

*Resolved*, That the prayer of said petition be so far granted as that the said Loring Lincoln be and he hereby is impowered to make sale of the said thirty acres of wood-land, lying in the town of Holden, for the most the same will fetch, and make and execute a good deed or deeds of the same to the purchaser or purchasers, and give sufficient caution to the Judge of Probate for the county of Worcester, that so much of the neat proceeds arising by said sale as shall be necessary shall be expended for said minor's education, and the remainder, if any be, shall be secured for said minor, and account with the said Judge of Probate for the same, when he shall be thereunto required. [*Passed November 23.*]

Mass.  
Resolves,  
Nov. Session,  
chap. 71.

Mass.  
Archives,  
ccxxv., 51.

## CHAPTER 551.

RESOLVE GRANTING £50 TO JOHN ALDEN FOR BOARDING AND NURSING A SICK SAILOR IN APRIL, 1776, WHO WAS THEN IN THE SERVICE OF THIS STATE.

ON THE PETITION of John Alden, praying for allowance for boarding a sick sailor:

*Resolved*, That there be paid out of the public Treasury of this State to John Alden the sum of fifty Pounds, in full for boarding and nursing a sick sailor, in April, 1776, who then was in the service of this State. [*Passed November 23.*]

Legislative  
Records of the  
Council,  
xl., 116d.

Mass.  
Archives,  
ccxxv., 51.

Mass.  
Resolves,  
Nov. Session,  
chap. 66.

Mass.  
Archives,  
ccxxv., 53.

## CHAPTER 552.

RESOLVE PERMITTING TIMOTHY FITCH OF MEDFORD TO EXPORT RUM, SUGAR, COFFEE, OIL AND EARTHENWARE TO CONNECTICUT ON THE SLOOP BOSTON PACKET, SHUBAEL KILLEY, MASTER, CONDITIONAL ON HIS IMPORTING PROVISIONS FROM CONNECTICUT, THE DANGER OF THE SEAS AND ENEMY EXCEPTED.

WHEREAS Timothy Fitch, of Medford, has represented to this Court that he has one Hundred bushels of salt now laying in the State of Connecticut, and that he is desirous of sending a vessel to that State with such a quantity of West-India goods as with said Hundred bushels of salt will be sufficient to load said vessel with flour or grain, to be imported into the port of Boston:

*Resolved*, That the said Timothy Fitch have liberty to ship on board the sloop Boston-Packet, Shubael Killey master, ten barrels of rum, two hogsheds of sugar, two barrels of coffee, one barrel of oil, and a quantity of earthen ware, and [Nathaniel Barber, Esq.],<sup>1</sup> the Naval-Officer is hereby directed to clear out said sloop, with the abovementioned goods on board, for Connecticut, provided the said Timothy Fitch give bond in the sum of three Thousand Pounds, to said Naval-Officer, that such quantities of provisions as shall be shipped from Connecticut on board said sloop shall be imported into this State, the danger of the seas and enemy excepted. [*Passed November 24.*]<sup>2</sup>

Legislative  
Records of the  
Council,  
xl., 120.

Mass.  
Archives,  
ccxxv., 59.

Mass.  
Resolves,  
Nov. Session,  
chap. 72.

Mass.  
Archives,  
ccxxv., 60.

<sup>1</sup> Province Laws, xx., 589, chap. 450.

<sup>2</sup> This date is same in Massachusetts Resolves, but November 22 according to Legislative Records of the Council.



## CHAPTER 553.

Legislative  
Records of the  
Council,  
xl., 118d.  
Mass.  
Archives,  
ccxxv., 61.  
Mass.  
Resolves,  
Nov. Session,  
chap. 70.  
Mass.  
Archives,  
ccxxv., 62.

RESOLVE PERMITTING JOSIAH FESSENDEN AND EPHRAIM WILLARD TO TRANSPORT FOUR LOADS OF WEST INDIA GOODS INTO CONNECTICUT.

WHEREAS Josiah Fessenden and Ephraim Willard, of the State of Connecticut, have transported into this State eleven loads of flax and flour, and sold the same:

*Resolved*, That the said Josiah Fessenden and Ephraim Willard have leave to transport out of this State four loads of West-India Goods into the State of Connecticut, any law or resolve of this State to the contrary notwithstanding. [*Passed November 24.*<sup>1</sup>

## CHAPTER 554.

RESOLVE GRANTING £78 TO CAPT. SILAS FOWLER FOR TAKING UP AND SECURING ISAAC GILBERT, A DESERTER.

Legislative  
Records of the  
Council,  
xl., 117d.  
Mass.  
Resolves,  
Nov. Session,  
chap. 74.

ON THE PETITION of Capt. Silas Fowler:

*Resolved*, That the sum of seventy-eight Pounds be paid out of the public Treasury to Capt. Silas Fowler, in full of his account for taking up and securing one Isaac Gilbert, a deserter, who was afterwards taken out of his hands by the civil authority as an evidence for the discovery of sundry persons inimical to the United States. [*Passed November 24.*

## CHAPTER 555.

RESOLVE DIRECTING THE BOARD OF WAR TO FURNISH CAPT. NATHAN GOODALE WITH SUNDRY ARTICLES OF CLOTHING IN LIEU OF THOSE TAKEN FROM HIM BY THE ENEMY IN AUGUST, 1779, WHEN HE CAME FROM NEW YORK ON PAROLE.

Legislative  
Records of the  
Council,  
xl., 118d.  
Mass.  
Archives,  
ccxxv., 63.  
Mass.  
Resolves,  
Nov. Session,  
chap. 73.  
Mass.  
Archives,  
cxlvi., 480;  
ccxxv., 64, 65.

ON THE PETITION of Capt. Nathan Goodale, praying to be supplied out of the public store in this State for sundry articles of cloathing taken from him by [a plundering bandit of]<sup>2</sup> the enemy, some time in August, 1779, when he came from New-York on his parole:

Whereas it appears to this Court that said Goodale has done singular services for his country, and is now immediately called to return to New-York on his parole, and from particular circumstances it is apprehended the enemy will detain him in their hands as long as possible: Therefore

*Resolved*, That the Board of War be and they hereby are directed to furnish said Goodale with one beaver hat, one regimental coat, jacket and breeches, linen for six shirts and six stocks, six pair of hose, two pair of shoes, one pair of leather breeches, three pair of linen breeches, one pair of woolen over-alls, one pair of linen over-alls, two silk handkerchiefs, and three pocket linen handkerchiefs; also a pair of silver shoe buckles and knee buckles: Which things are in full for the baggage he lost, as mentioned in a schedule accompanying his petition. [*Passed November 24.*

<sup>1</sup> This date is same in Legislative Records of the Council, but November 23 according to Massachusetts Resolves.

<sup>2</sup> Massachusetts Archives, ccxxv., 64.



## CHAPTER 556.

RESOLVE POSTPONING THE INFERIOR COURT TO BE HELD AT TAUNTON ON THE 3<sup>d</sup> TUESDAY OF DECEMBER UNTIL THE 2<sup>d</sup> TUESDAY OF MARCH NEXT, THERE BEING LITTLE PROBABILITY OF MUCH BUSINESS TO BE DONE, THE SAME TO BE PUBLISHED IN THE BOSTON NEWSPAPERS.

WHEREAS the Inferior Court of Common Pleas for the County of Bristol by law is appointed to be holden on the 3<sup>rd</sup> Tuesday of December next, and that being the first Court after the Term-Court, and but little probability of much business to be done at that term:

*Resolved*, That the said Court of General Sessions of the Peace and Inferior Court of Common Pleas, by law to be holden at Taunton, within and for the county of Bristol, on the 3<sup>rd</sup> Tuesday of December next, be and hereby is adjourned to the 2<sup>nd</sup> Tuesday of March next, then to be holden at Taunton, in and for said county of Bristol: And all writs, processes and recognizances returnable to, and all appeals made to the said Court of General Sessions of the Peace and Inferior Court of Common Pleas, appointed by law to be holden at Taunton, and all matters, causes and things that have day, or that might have been moved or done at, in or by the said Courts, at the time so appointed for holding the same, shall be returnable to, and may be entered, prosecuted, heard, moved and done at, in and by said Courts, at the time hereby appointed for holding the same. And the Secretary is hereby directed to publish this Resolve in the next Thursday Boston news-papers. [*Passed November 25.*<sup>1</sup>

Legislative  
Records of the  
Council,  
xl., 116<sup>d</sup>.  
Mass.  
Archives,  
ccxxv., 66a.  
Mass.  
Resolves,  
Nov. Session,  
chap. 76.

## CHAPTER 557.

RESOLVE REVERSING JUDGMENT IN AN ACTION OF TRESPASS BY AMASA GILSON OF GROTON AGAINST ELEAZER TYNG OF DUNSTABLE AND ALLOWING SAID TYNG TO PROSECUTE TO EFFECT THE ACTION OF TRESPASS AT THE INFERIOR COURT TO BE HELD AT CONCORD ON THE 2<sup>d</sup> TUESDAY OF MARCH NEXT.

THE COMMITTEE of both Houses to whome was Referred the Petition of Eleazer Ting [Tyng],<sup>2</sup> Esq., have Attended that Service, and ask leave to report by way of Resolve:

SAMUEL NILES per Order.

*Resolved*, That the judgment on an action of trespass obtained by Amasa Gilson, of Groton, in the County of Middlesex, Husbandman, against Eleazer Tyng of Dunstable, in said County of Middlesex, Esq., be and hereby is reversed, and that the said Tyng have liberty to commence and prosecute to effect the action of trespass prayed for in said Tyng's petition against the said Amasa Gilson at the Inferior Court of Common Pleas to be holden at Concord, in said County, on the 2<sup>nd</sup> Tuesday of March next.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed November 25.*<sup>3</sup>

Legislative  
Records of the  
Council,  
xl., 117<sup>d</sup>.  
Mass.  
Archives,  
ccxxv., 67.  
Mass.  
Resolves,  
Nov. Session,  
chap. 75.  
Mass.  
Archives,  
ccxxv., 68-76.

<sup>1</sup> This date is same in Massachusetts Resolves, but November 24 according to Legislative Records of the Council.

<sup>2</sup> Massachusetts Archives, ccxxv., 72.

<sup>3</sup> This date is same in Massachusetts Resolves, but November 24 according to Legislative Records of the Council.



## CHAPTER 558.

RESOLVES DIRECTING THE COMMITTEE APPOINTED TO MEET THE COMMITTEE FROM THE ARMY TO ADJUST AND SETTLE THE ACCOUNTS AND THE TREASURER TO PAY THE BALANCES OF SUCH AS ARE ENGAGED IN THE SERVICE IN CURRENT MONEY IF THE TREASURY WILL ADMIT, OR IN GOVERNMENT SECURITIES ON INTEREST PAYABLE JAN. 1, 1781, AND THOSE WHO HAVE NOT ENGAGED DURING THE WAR IN HIS NOTES ON INTEREST PAYABLE JUNE 1, 1781.

Legislative  
Records of the  
Council,  
xl., 119d.  
Mass.  
Archives,  
ccxxv., 77.  
Mass.  
Resolves,  
Nov. Session,  
chap. 77.

*Ante*, p. 177,  
chap. 371.

*Resolved*, That the Committee who have been appointed to meet a Committee from the Army, to adjust and settle the accounts of the officers and soldiers belonging to the Continental Army from this State, be and they hereby are directed to take into the account for said settlement any advances made by Congress to officers and soldiers, over and above their established pay and subsistence; also all gratuities and advances made by this State, either in money, cloathing or stores; likewise the supplies made for the soldiers families by the several towns in this State, in obedience to the orders of the General Court: But no account is to be made of any bounties given to encourage men to enter the service, either by the Continent, this State, or any town or person therein. And the said Committee are further directed to proceed in said business with all possible dispatch, and as soon as any part thereof is compleated, they are to lodge in the Secretary's office a return of the balances, together with the persons names to whom they are due; and the Honorable Council are requested (on proper application therefor) to grant warrants on the Treasurer for the payment thereof. And the Treasurer aforesaid is hereby directed to pay the balances of such as are engaged in the service during the war in current money, if the state of the Treasury will admit of it, otherwise in government securities on interest, payable the 1st day of January 1781, which securities shall be exchanged and current money given therefor by any of the Collectors or Constables in this State, allowing the principal and interest due at the time of such exchange, at which time the interest on such notes shall cease. And the Treasurer of this State is hereby directed to receive such notes in payment for any taxes, allowing the interest due thereon at the time they were exchanged by such Collector or Constable. And it is further

*Resolved*, That the Treasurer of this State be and he hereby is directed to pay all the balances due to those who have not engaged during the war in his notes on interest, payable on the 1st day of June 1781. [*Passed November 25.*]

## CHAPTER 559.

RESOLVE REMITTING A FINE OF £300 LAID ON THE TOWN OF MURRAYFIELD IN FEBRUARY LAST FOR DEFICIENCY IN RAISING THREE MEN.

Legislative  
Records of the  
Council,  
xl., 120d.  
Mass.  
Archives,  
ccxxv., 81.  
Mass.  
Resolves,  
Nov. Session,  
chap. 79.

ON THE PETITION of the inhabitants of the town of Murrayfield, praying for an abatement of a fine laid on said town by the tax-bill in February last, for being deficient in raising two men for nine months and one for eight months; and whereas it appears to this Court that said town had two men inlisted for three years more than their quota of the seventh part of the inhabitants of said town:



*Resolved*, That the fine of three Hundred Pounds, laid on said town, be remitted; and that there be allowed and paid out of the Treasury of this State to the town of Murrayfield the aforesaid sum of three Hundred Pounds, for the fines above-mentioned.  
[*Passed November 25.*]

Mass.  
Archives,  
ccxxv., 82-84.

## CHAPTER 560.

RESOLVES DIRECTING THE BOARD OF WAR TO SUPPLY WILLIAM BAKER, MESSENGER TO THE GENERAL COURT, WITH LINEN, SHOES AND STOCKINGS, GRATIS, AND ALLOWING HIM £400 FOR THE ENSUING QUARTER.

ON THE PETITION of William Baker, Messenger of the General Court, setting forth that the prices of all the necessaries of life, especially the articles of cloathing, are so exorbitant that he is not able to procure for his own use either Shoes, Stockings, or Linen for Shirts: He therefore humbly prays the Board of War may be ordered to supply him with the above Articles:

*Resolved*, That the prayer of the petition be granted, and that the Board of War be and they hereby are directed, as soon as may be, to furnish said Baker with one piece of Linen for Shirts, three pairs of Stockings, and three pair of Shoes, and that the above articles be delivered him gratis. And it is further

*Resolved*, That he be allowed four Hundred Pounds for the ensuing quarter, commencing the 26th instant. [*Passed November 25.*]

Legislative  
Records of the  
Council,  
xl., 121.  
Mass.  
Archives,  
ccxxv., 79.  
Mass.  
Resolves,  
Nov. Session,  
chap. 78.

Mass.  
Archives,  
ccxxv., 80.

## CHAPTER 561.

VOTE ACCEPTING THE REPORT OF COMMITTEE RECOMMENDING THE DIVISION OF THE TOWN OF SUDBURY AND THAT THE PETITIONERS HAVE LIBERTY TO BRING IN A BILL.

THE COMMITTEE of both Houses appointed on the Petition of Joseph Curtis and others, Inhabitants of the Easterly part of the Town of Sudbury, praying for a Committee of this Court to settle a just line, and order such Divisions and Regulations as may be necessary between them and the Westerly part of the Town, and ordered to repair to Sudbury, hear the parties, view the Circumstances of said Town and report what ought to be done:

Report, that having duly notified the Town of Sudbury, by notifying the Clerk of said Town, of time and place of meeting, and being met by the Selectmen, together with a large number of other most respectable Gentlemen belonging to the Westerly part of said Town, we spent several days in hearing the parties, and viewing the Circumstances of said Town, and after the most deliberate consideration, your Committee are clearly, and unanimously of Opinion, that it will greatly contribute to the convenience and peace, of both parties and serve the publick Interest, that said Town be divided into two separate Towns, by the following line, viz. Beginning with the River between Concord and Lincoln, thence to run with the River 'till it comes to the mouth of the Ditch on the Westerly side of said River, between the meadows of William Baldwin, Esq., and Eliakim Rice, thence on said Ditch to the County Road leading to Stow, crossing said Road, and bounding on the Southerly side thereof 'till it comes to the line between the Land of Nathaniel Rice and Jonathan Carter,

Legislative  
Records of the  
Council,  
xl., 121.  
Mass.  
Archives,  
ccxxv., 85.

Mass.  
Archives,  
ccxxv., 87-93.  
*Ante*, p. 50,  
chap. 91.



thence Southwesterly with the line between said Rice and Carter to the land of Lieut. Elisha Wheeler, thence running Easterly with the line between said Carter and said Wheeler to the County Road leading to Marlborough, thence running up and bounding on the Westerly side of said Road till it comes opposite to the line between the lands belonging to the heirs of Lieut. Daniel Goodenow, deceased, and land in possession of Robert Fames, at Sandy Hill (so called), thence crossing said Road to the corner aforesaid, thence running to a Swamp white Oak Tree near the head of Capt. Moses Maynard's Meadow, thence running a strait line to a Swamp white Oak Tree standing on the bank of the River, Easterly from the dwelling House of Capt. Moses Stone, thence up, and with said River to Framingham line:

And further it is the Opinion of your Committee that the Bridges and long Causeways over the River and Meadow near Mr. Jonathan Carter's, shall forever hereafter be supported and maintained by the two Towns, in equal proportion, the said Bridges and Causeways lying within the limits of the Easterly Town notwithstanding; and that all the Monies or Estates heretofore given by any person or persons to the Town of Sudbury, should be equally divided to each Town and they respectively empowered to dispose of their respective Moities agreeable to the direction of the Donors; And that the Town Stock of Arms and Ammunition be divided to each Town in equal proportion according to the number of persons that are obliged to bear Arms in each Town;

And that the Petitioners have liberty to bring in a Bill for the purposes aforesaid.

In Council

Read and Accepted.

In the House of Representatives

Read and Concurred. [*Passed November 26.*<sup>1</sup>]

## CHAPTER 562.

RESOLVE PERMITTING EFFECTS OF THE LATE JOHN BARNARD TO THE VALUE OF £200 TO BE SENT FROM NOVA SCOTIA TO PAY TO SUNDRY INHABITANTS OF SALEM DEBTS CONTRACTED BEFORE THE WAR.

WHEREAS application is now made to this Court, praying that Benjamin Barnard, an inhabitant of the Government of Nova Scotia, may be permitted to bring or send into this State effects sufficient to discharge sundry debts contracted before the present war, and now due from the estate of his late brother John Barnard to sundry of the inhabitants of Salem:

*Resolved*, That any effects belonging to the estate of the said John Barnard, to the amount of not more than two Hundred Pounds sterling, according to the value of such effects before the present war, that may be sent or brought from Nova Scotia for the purpose of discharging said debts be allowed a safe passport to this State; and all Commanders of vessels belonging to this State or the subjects thereof are directed, and those Commanders of vessels belonging to other of the United States or their Allies, are requested to permit such effects to pass unmolested to this State; and the present Representatives of the Town of Salem are hereby directed to take particular care that no undue advantages are taken in consequence of this Resolve. [*Passed November 26.*]

<sup>1</sup> This date is November 25 according to Legislative Records of the Council.

Legislative  
Records of the  
Council,  
xl., 123.  
Mass.  
Archives,  
ccxv., 94.  
Mass.  
Resolves,  
Nov. Session,  
chap. 83.

Mass.  
Archives,  
ccxv., 95.



## CHAPTER 563.

RESOLVE EMPOWERING THE JUSTICES OF THE NEXT INFERIOR COURT TO BE HELD AT CAMBRIDGE TO TAKE OFF A DEFAULT OBTAINED BY LEMUEL BLANCHARD AGAINST SAMUEL DANFORTH, JR., A SOLDIER IN THE CONTINENTAL ARMY AND ADMIT HIM TO APPEAR HIMSELF, OR BY HIS ATTORNEY, TO ANSWER SAID LEMUEL BLANCHARD.

ON THE PETITION of Samuel Danforth, setting forth that his son, Samuel Danforth, jun., a soldier in the Continental Army, was defaulted in an action of damage, brought against him by one Lemuel Blanchard, of Cambridge, at the last Inferior Court of Common Pleas, held at Concord, within and for the County of Middlesex, and praying that said Court may be impowered to take off said default:

*Resolved*, That the prayer of said petition be granted, and that the Justices of said Inferior Court be and hereby are impowered to take off said default at the next Inferior Court of Common Pleas to be holden at Cambridge, within and for said County of Middlesex, and to admit the said Samuel Danforth, jun., to appear himself, or by his Attorney, to answer to the said Lemuel Blanchard, any law to the contrary notwithstanding. [*Passed November 26.*]

Legislative  
Records of the  
Council,  
xl., 123.  
Mass.  
Archives,  
cccxv., 96.  
Mass.  
Resolves,  
Nov. Session,  
chap. 80.

Mass.  
Archives,  
cccxv., 97.

## CHAPTER 564.

RESOLVES DIRECTING CAPT. THOMAS FLINT TO DELIVER HIS PERMIT INTO THE SECRETARY'S OFFICE AND PERMITTING HIM TO CARRY GRAIN, CIDER, MOLASSES, RUM AND SUGAR TO NOVA SCOTIA IN THE SCHOONER HANNAH, AND TO RETURN IN HER WITH HIS FAMILY AND EFFECTS THIS WINTER OR NEXT SPRING.

UPON THE PETITION of Thomas Flint, praying for permission to carry down some necessaries to his family at Nova-Scotia, your Committee finds said Flint has a permit of this Court, also that said Flint has brought up effects on account of said permit:

*Resolved*, That the said Flint deliver into the Secretary's office the above permit. Also

*Resolved*, That the prayer of said petition be so far granted that the said Flint be and hereby is permitted to transport from this State, in the Schooner Hannah, said Flint master, viz. one Hundred bushels of grain, six barrels of cyder, a teirce of molasses, one barrel of rum, and one barrel of sugar; and all Commanders of ships of war of this State are ordered not to molest or impede the said Flint: It is also recommended to all Commanders of armed vessels of the United States not to molest said Flint in going from this State to Nova-Scotia. It is further

*Resolved*, That the said Flint be and hereby is permitted to return in the abovesaid Schooner Hannah, this winter or the next spring, with his family and effects; and all Commanders of ships of war of this State are ordered not to molest or impede the said Flint; it is also recommended to all Commanders of armed vessels of the United States not to molest said Flint in returning from Nova-Scotia to this State as above. [*Passed November 26.*]

Legislative  
Records of the  
Council,  
xl., 124.  
Mass.  
Archives,  
cccxv., 98.  
Mass.  
Resolves,  
Nov. Session,  
chap. 85.

Mass.  
Archives,  
cccxv., 99.



## CHAPTER 565.

RESOLVE PERMITTING WILLIAM STIMSON TO TRANSPORT RUM AND WOOL CARDS TO NEW YORK IN ORDER THAT HE MAY BRING IRON INTO THIS STATE WHICH THE BOARD OF WAR MAY PURCHASE.

Legislative  
Records of the  
Council,  
xl., 125.  
Mass.  
Archives,  
ccxxv., 100.  
Mass.  
Resolves,  
Nov. Session,  
chap. 82.

Mass.  
Archives,  
ccxxv., 101.  
Province  
Laws, v., 1114,  
chap. 13.

WHEREAS William Stimson has represented to this Court that he has a quantity of iron in the State of New-York, which he is desirous to bring into this State, in order to accomplish which, he requests liberty to transport out of this State two hogsheads of rum and one groce of wool-cards: Therefore

*Resolved*, That the said William Stimson have liberty to transport out of this State into the State of New-York, two hogsheads of rum and one groce of wool-cards, the Embargo Act to the contrary notwithstanding; he giving the Board of War the offer of purchasing the same upon his return. [*Passed November 26.*]

## CHAPTER 566.

RESOLVES PROMOTING ANDREW PETERS, THOMAS COGSWELL AND OTHERS, OFFICERS IN THE FIFTEEN BATTALIONS, WITH THE FORM OF WARRANTS TO BE SENT TO THE MAJOR GENERAL OF THIS STATE WITH A LETTER OF INSTRUCTION AS TO PROMOTION BY RANK, WHICH WILL BE THE PRACTICE IN THE FUTURE, AND ANOTHER NOTIFYING GEN. HEATH OF THE APPOINTMENT OF MAJ. COGSWELL AS LIEUTENANT COLONEL THOUGH OUTRANKED BY MAJ. HULL, WHO WAS NOT APPOINTED BY THIS STATE.

Legislative  
Records of the  
Council,  
xl., 125.  
Mass.  
Archives,  
ccxxv., 102-104.  
Mass.  
Resolves,  
Nov. Session,  
chap. 84.

Mass.  
Archives,  
clxxxvi., 240.

THE COMMITTEE appointed by both Houses on the Letters of Col. Timothy Bigelow and Col. Henry Jackson, have attended that service and ask Leave to report the following Letters and Resolve, which are Submitted.

MOSES GILL per Order

*Resolved*, That the following Officers in the Battalions raised by this State to serve in the Continental Army, be and they hereby are appointed to the several ranks mentioned against their Names, viz.

Andrew Peters, Lieutenant Colonel in Col. [John]<sup>1</sup> Greateon's Regiment.

Thomas Cogswell, Lieutenant Colonel in Col. [Timothy]<sup>2</sup> Bigelow's Regiment.

William H[udson]<sup>3</sup> Ballard, Major in said Regiment.

John Peirce, Captain in ditto.

Moses Roberts, Captain in ditto.

Phineas Bowman, Captain in ditto.

William Crosman, Captain in ditto.

Gabriel Michael Houdin, Captain-Lieutenant in ditto.

Joseph Washburn, Lieutenant in ditto.

William Eysandeau, Lieutenant in ditto.

John Kennedy, Lieutenant in ditto.

John Stowers, Lieutenant in ditto.

John Warren, Ensign in ditto.

Jeremiah Hill, to be First Lieutenant in Col. Henry Jackson's Regiment, in the room of John Nesmett, who has resigned.

And that warrants be made out to them respectively, signed by the President of the Council, and attested by the Secretary of the form following, viz.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xii., 240.

<sup>2</sup> *Ibid.*, iii., 726.

<sup>3</sup> *Ibid.*, i., 552.



## STATE OF MASSACHUSETTS-BAY.

To Greeting.

Reposing especial trust and confidence in your ability, courage and good conduct, do by these presents constitute you the said  
to be in the Regiment of Foot,

one of the Battalions raised by this State to serve  
in the Continental Army, whereof is Colonel.

You are therefore carefully and diligently to discharge the duty of in the said Regiment, in all things appertaining thereto, observing such orders and Instructions as you shall receive from the Colonel of said Regiment, or any other your superior officers; for which this shall be your sufficient Warrant, till you shall receive a Commission in manner and form pointed out by the Resolves of Congress of March 8th and June 28th 1779.

Dated at Boston, this 26th day of November 1779.

By Order of the General Court,  
President.

And the Secretary is hereby directed to certify the same to the Continental Board of War, that they may respectively receive Commissions according to the aforesaid Resolves of Congress.

And to prevent mistakes in the promotions in the Battalions of this State: It is further

*Resolved*, That the several warrants made out, promoting any Officers in the Battalions aforesaid, and the certificates of the same to the Continental Board of War, shall be inclosed to the Major-General of this State serving in the Continental Army, in a letter signed by the President of the Council, in the following form, viz.

## STATE OF MASSACHUSETTS-BAY.

BOSTON, Nov. 26, 1779.

SIR,

Inclosed are a number of warrants promoting Officers in the Battalions of this State serving in the Continental Army, and certificates of the same to the Continental Board of War, that they may receive Commissions accordingly. As this State are disposed to promote according to rank, to prevent uneasiness in the army, you will carefully inspect them, and if the proper rank is preserved, you will be kind enough to deliver the warrants to the Officers to whom they are directed, and send on the certificates to the Continental Board of War; if otherwise, you will send back to this Court the warrants and certificates, with the names of the Officers who by rank ought to be promoted, to fill the vacancies by said warrants designed to be filled.

I am Sir, your most obedient, very humble Servant,

Per Order of the General Court,

President.

And it is

*Resolved*, That all vacancies in the battalions belonging to this State, in future to be filled in the Continental Army, shall be in the manner above described. And that a letter of the following form be signed by the President and sent to Gen. [William]<sup>1</sup> Heath.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vii., 684.



## STATE OF MASSACHUSETTS-BAY.

COUNCIL CHAMBER, BOSTON, November 26, 1779.

SIR,

Application having been made to fill up several vacancies in the Battalions of this State, in consequence thereof, we have given Maj. [Thomas]<sup>1</sup> Cogswell a warrant as Lieutenant Colonel in the Regiment commanded by Col. [Timothy]<sup>1</sup> Bigelow, since which we find, by examining the rank of Officers in the Massachusetts Line, that Maj. [William]<sup>2</sup> Hull takes rank of Maj. Cogswell; but as we don't find Maj. Hull's name in the list of Officers appointed by this State, and Maj. Cogswell being the first Captain who received a commission in the year 1775, and having more-over been commissioned by this Court as Major the 1st of January 1777, we think he ought to take rank of Maj. Hull, which we hope will meet with your approbation and be satisfactory to the Officers from this State.

In the Name and behalf of the General Assembly,  
I am, with sentiments of esteem,

Sir, your humble servant,

President.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed November 26.*]

## CHAPTER 567.

RESOLVE GRANTING £18 TO LEMUEL MANDALL FOR 1,500 OF HAY EXPENDED AT DARTMOUTH IN SEPTEMBER, 1778, FOR THE USE OF THE TRAIN.

ON THE PETITION of Lemuel Mandall, praying an allowance for fifteen Hundred of hay expended for the use of this State:

*Resolved*, That the said Lemuel Mandall be paid out of the Treasury of this State the sum of eighteen Pounds in full for fifteen Hundred of hay expended at Dartmouth for the use of the train in that place in the month of September 1778. [*Passed November 26.*]

## CHAPTER 568.

RESOLVE APPOINTING A COMMITTEE TO CONSIDER THE INCORPORATION OF PARTS OF CHARLEMONT, MERRYFIELD AND GREEN & WALKER'S FARM INTO A TOWN AND TO REPORT AT THE NEXT SITTING.

In the House of Representatives

On the Petition of Asaph White, praying for a Committee to repair to Charlemont and view the situation of said Charlemont, and likewise a grant of land adjoining called Green & Walker's Farm and hear all parties belonging to said Charlemont, relating to their being part of said Charlemont and said Green & Walker's Farm erected into a Town; which Committee will probably prevent the cost of their so often being at the expence of attending this Court: Therefore

*Resolved*, That the prayer of the Petition be so far granted that

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, iii., 726.

<sup>2</sup> *Post*, p. 270, chap. 572.

Legislative  
Records of the  
Council,  
xl., 128.  
Mass.  
Resolves,  
Nov. Session,  
chap. 87.

Legislative  
Records of the  
Council,  
xl., 129.  
Mass.  
Archives,  
ccxxv., 105.  
Mass.  
Resolves,  
Nov. Session,  
chap. 89.  
Mass.  
Archives,  
ccxxv., 106.



Capt. [David]<sup>1</sup> Spear and Capt. [Elijah]<sup>2</sup> Hunt with such as the Honorable Board shall join be a Committee to repair to said Charlemont and view the situation of the same, and also the Farm adjoining abovesaid, and also the Plantation of Merryfield, if they require it, who have also Petitioned the Court that all or part of said Green & Walker's Farm, with said Plantation, may be erected into a Town; said Committee to give proper and seasonable notice to all persons concerned of time and place of their meeting for the purpose aforesaid, and after viewing all the lands and hearing all persons concerned in the premises, make report to this Court what they think proper to be done, on the 3rd Wednesday of the next sitting of this Court. The charge of the Committee to be paid by the Petitioner.

In Council

Read and Concurred and Noah Goodman, Esq., is joined for the Purpose mentioned. [*Passed November 26.*]

## CHAPTER 569.

RESOLVE DIRECTING THE BOARD OF WAR TO SETTLE PUBLIC ACCOUNTS FOR SUPPLIES FOR THE PENOBSCOT EXPEDITION.

*Resolved*, That the Board of War be and they are hereby directed to settle all public Accounts for supplies for the Penobscot Expedition. [*Passed November 26.*]

Legislative  
Records of the  
Council, xl., 129.  
Mass.  
Archives,  
ccxxv., 107.  
Mass.  
Resolves,  
Nov. Session,  
chap. 88.  
Mass.  
Archives,  
ccbxxv., 52.  
*Ante*, p. 203,  
chap. 424.

## CHAPTER 570.

RESOLVE DIRECTING THE BOARD OF WAR TO SETTLE THEIR ACCOUNTS WITH JOSEPH WOOD, COMMISSARY OF THE SEACOAST MEN STATIONED AT BEVERLY.

ON THE PETITION of Joseph Wood, Commissary of the Sea-Coast men stationed at Beverly:

*Resolved*, That the Board of War be and they are hereby directed to settle their accounts with Joseph Wood, Commissary of the Sea-Coast men stationed at Beverly, and receive of him the money due on such accounts in full discharge of the same. [*Passed November 26.*]

Legislative  
Records of the  
Council,  
xl., 129.  
Mass.  
Archives,  
ccxxv., 108.  
Mass.  
Resolves,  
Nov. Session,  
chap. 86.  
Mass.  
Archives,  
ccxxv., 109.

## CHAPTER 571.

RESOLVE GRANTING £180 TO NICHOLAS GARDINER FOR THE TAKING OF AN OX, ETC., FROM HIS FARM IN WINSLOW BY DUDLEY SALTONSTALL, ESQ., WHILE RETREATING WITH SEVERAL SHIP'S COMPANIES FROM MAJORBAGADUCE.

*Resolved*, That there be allowed and paid out of the public Treasury to Nicholas Gardiner one Hundred and eighty Pounds, in full for one ox and damage, taken from his farm in Winslow, by Dudley Saltonstall, Esq., for the use of several ships companies that were with him on their retreat from Majorbagaduce. [*Passed November 27.*]

Legislative  
Records of the  
Council,  
xl., 130.  
Mass.  
Resolves,  
Nov. Session,  
chap. 93.

<sup>1</sup> Of Palmer.

<sup>2</sup> Of Northampton.



## CHAPTER 572.

VOTE DECLARING THAT MAJ. COGSWELL OUTRANKS MAJ. HULL  
IN THE 8TH MASSACHUSETTS REGIMENT.

Legislative  
Records of the  
Council,  
xl., 131.  
Mass.  
Archives,  
ccxxv., 110.  
Mass.  
Resolves,  
Nov. Session,  
chap. 92.

Mass.  
Archives,  
clxxxvi., 244-  
248; ccxxv., 111.  
*Ante*, p. 266,  
chap. 566.

THE COMMITTEE of both Houses appointed to consider the petition of William Hull, Major of the 8th Massachusetts Regiment wherein the said Hull claims rank in priority to Maj. Cogswell, have attended the service assigned them, and are of opinion that Maj. [Thomas]<sup>1</sup> Cogswell ought to rank before Maj. Hull, agreeable to the Report of the Committee of the 26th instant, for the reasons mentioned in said Report.

all which is Submitted

ARTEMAS WARD per Order

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed November 27.*]

## CHAPTER 573.

## RESOLVE DIRECTING THE BRIGADIER GENERALS TO MAKE RETURN INTO THE SECRETARY'S OFFICE OF THE MEN RAISED FOR RE-ENFORCING THE CONTINENTAL ARMY ACCORDING TO A RESOLVE PASSED OCTOBER 9TH, AND THE APPORTIONMENT MADE BY THE COMMANDING OFFICER OF EACH REGIMENT.

Legislative  
Records of the  
Council,  
xl., 131.  
Mass.  
Archives,  
ccxxv., 126.  
Mass.  
Resolves,  
Nov. Session,  
chap. 90.

*Ante*, p. 225,  
chap. 479.

WHEREAS the Resolve of this Court passed the 9th day of October last for raising two Thousand troops for the purpose of reinforcing the Continental Army does not require any return to be made of the troops so raised, by reason of which the towns who raised their troops cannot receive the bounty therein promised, nor the delinquent towns be fined: Therefore

*Resolved*, That the Brigadier Generals in this State, who were required by said Resolve to raise troops for the above purpose, be and they hereby are required on or before the 2nd Wednesday of the next sitting of this Court to make returns into the Secretary's office of the men so raised in their respective brigades, and also the apportionment made by the Commanding-Officer of each regiment in their brigades in the respective towns in their said brigades. [*Passed November 27.*]

## CHAPTER 574.

## RESOLVE DIRECTING JOSHUA DAVIS, AGENT FOR TRANSPORTS, TO MAKE UP HIS RETURNS FOR PAYROLLS OF THE OFFICERS AND MARINERS IN THE TRANSPORTS ON THE PENOBSCOT EXPEDITION TO THE 4TH OF SEPTEMBER LAST.

Legislative  
Records of the  
Council,  
xl., 132.  
Mass.  
Archives,  
ccxxv., 131.  
Mass.  
Resolves,  
Nov. Session,  
chap. 91.

Mass.  
Archives,  
ccxxv., 132;  
ccclii., 257.  
*Ante*, p. 269,  
chap. 569.

ON THE PETITION of Joshua Davis, Agent for transports on the late unfortunate expedition to Penobscot:

*Resolved*, That the petitioner be and he is hereby directed to make up his returns of pay-rolls for the wages of the officers and mariners in the transports on the expedition aforesaid to the 4th of September last, and no longer, being three weeks after the destruction of the vessels employed on that service, and that all

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, iii., 726.



the other matters and things contained in said petition be referred to the Board of War, to act thereon as they may think just and right. [*Passed November 27.*]

## CHAPTER 575.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER TO LIEUT. COL. BADLAM THE CLOTHING DUE THE OFFICERS OF COL. BAILEY'S REGIMENT, PRIOR TO ANY OTHER.

WHEREAS Lieut. Col. Ezra Badlam has represented to this Court that he is Agent for procuring the cloathing allotted to the Officers of Col. [John]<sup>1</sup> Bailey's Regiment, that the Officers are in extreme want of the cloathing, that he the said Agent is Superintendent of the General Hospital, that consequently his further stay will be detrimental to the public service: Therefore

*Resolved*, That the Board of War be directed, and they are hereby accordingly directed to deliver to Col. Badlam the cloathing due to the Officers of Col. Bailey's Regiment, the prior application of any other regiment notwithstanding. [*Passed November 27.*]

Legislative  
Records of the  
Council,  
xl., 132.  
Mass.  
Archives,  
ccxxv., 128.  
Mass.  
Resolves,  
Nov. Session,  
chap. 94.

Mass.  
Archives,  
ccxxv., 129.

## CHAPTER 576.

VOTE GRANTING £100 TO CHARLES PHELPS, ESQ., FOR TIME AND EXPENSES WHILE WAITING UPON THE COMMITTEE RESPECTING THE NEW HAMPSHIRE GRANTS.

THE COMMITTEE of both Houses to whom was referred the letter from the President of the Congress, respecting the New-Hampshire Grants, take leave to report that in their opinion the sum of one Hundred Pounds, lawful money, ought to be granted to Charles Phelps, Esq., for the purpose of defreying the expences he has been at during his detention in town while waiting upon the Committee in order to afford what light he could upon the subject, as also in compensation for the unwearied attention he has from time to time paid to this business.

all which is Submitted

THOMAS CUSHING per Order

In the House of Representatives

Read and Accepted

In Council

Read and Concurred. [*Passed November 29.*]<sup>2</sup>

Legislative  
Records of the  
Council,  
xl., 131.  
Mass.  
Archives,  
ccxxv., 115.  
Mass.  
Resolves,  
Nov. Session,  
chap. 97.

*Ante*, p. 232,  
chap. 484.

## CHAPTER 577.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY THE COMMITTEE TO SETTLE AND ADJUST THE ACCOUNTS OF THE ARMY WITH BOOKS, PAPER, QUILLS AND INK.

*Resolved*, That the Board of War be and they are hereby directed to supply the Committee appointed to settle and adjust the accounts of the army with such books, paper, quills and ink as they may have occasion for to enable them to prosecute said business. [*Passed November 29.*]

Legislative  
Records of the  
Council,  
xl., 134.  
Mass.  
Archives,  
ccxxv., 133.  
Mass.  
Resolves,  
Nov. Session,  
chap. 96.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, i., 437.

<sup>2</sup> This date is same in Massachusetts Resolves, but November 27 according to Legislative Records of the Council.



## CHAPTER 578.

Legislative  
Records of the  
Council,  
xl., 135.  
Mass.  
Archives,  
ccxxv., 134.  
Mass.  
Resolves,  
Nov. Session,  
chap. 95.

RESOLVE FOR PAYING £1,200 TO EACH OF THE JUSTICES OF THE SUPERIOR COURT IN PART FOR THEIR SERVICES.

*Resolved*, That there be paid out of the public Treasury to the Hon. William Cushing, Nathaniel Peasely Sergeant, David Sewall and James Sullivan, Esquires, the sum of twelve Hundred Pounds each, in part for their services as Justices of the Superior Court of Judicature, &c. for the present year. [*Passed November 29.*]

## CHAPTER 579.

RESOLVE PERMITTING GRIZZEL APTHORP TO SEND TO HALIFAX FOR HER FAMILY PLATE, WHICH HAVING BEEN DEPOSITED WITH MR. GILBERT DEBLOIS, WAS TAKEN THERE AT THE EVACUATION OF BOSTON.

Legislative  
Records of the  
Council,  
xl., 128.  
Mass.  
Archives,  
ccxxv., 146.  
Mass.  
Resolves,  
Nov. Session,  
chap. 81.  
Mass.  
Archives,  
ccxxv., 145.

ON THE PETITION of Grizzel Apthorp, praying that she may have liberty to regain her family plate, which was deposited in the hands of Mr. Gilbert Deblois, who at the time of the evacuation of the town of Boston by the British troops, carried the same to Halifax:

*Resolved*, That the prayer of this petition be granted, and that Grizzel Apthorp be and she hereby is permitted to send to Halifax in the next cartel bound there, some suitable person (approved of by Council) for the purpose of regaining the possession of said property. [*Passed November 30.*<sup>1</sup>]

## CHAPTER 580.

Legislative  
Records of the  
Council,  
xl., 135.  
Mass.  
Archives,  
ccxxv., 135.  
Mass.  
Resolves,  
Nov. Session,  
chap. 98.

RESOLVE PERMITTING JAMES LAMB, JR., TO TRANSPORT SUNDRY ARTICLES TO CONNECTICUT.

ON THE PETITION of James Lamb, jun., praying for liberty to transport sundry articles out of this State into the State of Connecticut, for reasons set forth in said petition:

*Resolved*, That the prayer of said petition be granted, and that the said James Lamb, jun., have liberty to transport three boxes and five casks, containing sundry articles, out of this State into the State of Connecticut; any Act of this State to the contrary notwithstanding. [*Passed November 30.*]

Mass.  
Archives,  
ccxxv., 136.  
Province  
Laws, v., 1114,  
chap. 13.

## CHAPTER 581.

RESOLVE DIRECTING THE COMMITTEE OF BROOKFIELD TO DELIVER TO JOHN R. LIVINGSTON WINE, COFFEE, SUGAR, RUM, TEA AND SMALL SHOT STOPPED BY THEM, AS ALSO RUM THE PROPERTY OF MR. RAY AND PERMITTING THEIR TRANSPORTATION TO NEW YORK.

UPON THE PETITION of John R. Livingston, praying for the release of certain articles, stopped by the Committee of Brookfield:

Legislative  
Records of the  
Council,  
xl., 135.  
Mass.  
Archives,  
ccxxv., 137.

<sup>1</sup> This date is November 26 according to Legislative Records of the Council and Massachusetts Resolves.



*Resolved*, That the prayer of the petitioner be granted, and that the Committee of Brookfield be and they hereby are ordered and directed to deliver to said Livingston or his order, one pipe of wine, one barrel of coffee, one barrel of sugar, one barrel of rum, one keg of tea, and one Hundred weight of small shot, belonging to said Livingston: Also, three tierces of rum, the property of Mr. Ray, a subject of the State of New-York, together with two carts, wherein said articles were when seized by Mr. King, Chairman of said Committee; and David Lamb is hereby permitted to proceed with one of said carts and four oxen, carrying the articles abovementioned belonging to said Livingston out of this State, and Caleb Sprague is permitted to drive the other cart with four oxen, carrying the said three tierces of rum out of this State to the State of New-York: Any law, usage or custom to the contrary notwithstanding. The said Livingston to order payment of the necessary expences attending the seizure. [*Passed November 30.*]

Mass.  
Resolves,  
Nov. Session,  
chap. 102.

Mass.  
Archives,  
ccxxv., 139.

## CHAPTER 582.

RESOLVES DIRECTING THE MANAGERS OF THE STATE LOTTERY TO POSTPONE THE DRAWING OF THE 4TH CLASS UNTIL THE 26TH OF JANUARY NEXT, AND TO SUSPEND CARRYING ON ANY MORE CLASSES.

IT BEING REPRESENTED to this Court by the Managers of this State's Lottery that by reason of the multiplicity of public business in which they have necessarily been engaged, it will be out of their power to be ready to proceed to the drawing the 4th class of said Lottery at the time which has been set for that purpose, and also that a considerable number of tickets still remains unsold: Therefore

*Resolved*, That the Managers aforesaid be and they hereby are directed to postpone the drawing the 4th class of said Lottery until the 26th day of January next, and all persons intrusted with tickets in said class for sale are directed to observe the orders heretofore given them respecting the sealing up and returning tickets to the managers, should any remain unsold at the time now ordered for drawing. And it is further

*Resolved*, That the Managers aforesaid be and they hereby are directed to suspend carrying on any more classes of said Lottery. [*Passed November 30.*]

Legislative  
Records of the  
Council,  
xl., 136.  
Mass.  
Archives,  
ccxxv., 141.  
Mass.  
Resolves,  
Nov. Session,  
chap. 99.

*Ante*, p. 171,  
chap. 356.

## CHAPTER 583.

RESOLVE ADVANCING £1,500 TO EACH OF THE DELEGATES TO THE CONTINENTAL CONGRESS FOR THE YEAR 1780, AS PART OF THEIR PAY.

In the House of Representatives

The Committee appointed to bring in a Resolve making provision for the Delegates of this State at Congress for the year 1780, beg leave to report the following Resolve:

*Resolved*, That there be advanced and paid out of the Treasury of this State to each of the Delegates appointed to represent this State in Congress for the year 1780, the sum of fifteen Hundred Pounds, to be paid to such of said Delegates as are now in this State, on their respective applications therefor. And that said

Legislative  
Records of the  
Council,  
xl., 137.  
Mass.  
Archives,  
ccxxv., 142.  
Mass.  
Resolves,  
Nov. Session,  
chap. 101.

*Ante*, p. 242,  
chap. 513.



sums so advanced shall be considered as part of their pay and allowance for their services and expences in attending at Congress for said year, they to be accountable for the same.

In Council

Read and Concurred. [*Passed November 30.*]

## CHAPTER 584.

RESOLVE SUSPENDING THE ACT PASSED THE LAST SESSION, SETTING OFF PART OF WESTFIELD TO SOUTHWICK, AND APPOINTING A COMMITTEE TO VIEW THE SITUATION.

Legislative  
Records of the  
Council,  
xl., 137.  
Mass.  
Archives,  
ccxxv., 143.  
Mass.  
Resolves,  
Nov. Session,  
chap. 100.

Mass.  
Archives,  
ccxxv., 144.  
Province  
Laws, v., 1116,  
chap. 14.

In the House of Representatives

On the petition of the inhabitants of the town of Westfield, praying for the repeal of an act passed the last session of the General Court, setting off a strip of land, two Hundred rods in width, with the inhabitants thereon living, from the Southerly part of Westfield and annexing them to the town of Southwick:

*Resolved*, That the operation of said act be suspended until the further order of this Court, and that Maj. [William]<sup>1</sup> Pyncheon and Col. [Timothy]<sup>2</sup> Robinson, with such as the Honorable Board shall join, be a Committee to repair to the town of Westfield and view their situation, and report what is proper to be done thereon as soon as may be, said Committee to be at the expence of the petitioners.

In Council

Read and Concurred and Noah Goodman, Esq., is joined for the Purpose mentioned. [*Passed November 30.*]

## CHAPTER 585.

VOTE DECLARING THAT MR. THOMAS BRATTLE CANNOT BE ADMITTED TO RETURN TO THIS STATE BUT RECOMMENDING TO GEN. CORNELL, THAT HE BE PERMITTED TO GO TO ANY TERRITORY SUBJECT TO FRANCE OR SOME NEUTRAL POWER.

Legislative  
Records of the  
Council,  
xl., 138.  
Mass.  
Archives,  
clxxv., 21.  
Mass.  
Resolves,  
Nov. Session,  
chap. 113.

Mass.  
Archives,  
clxxv., 1-20.

THE COMMITTEE of both Houses appointed to consider the letter of Brig. Gen. [Ezekiel]<sup>3</sup> Cornell to the President of the Council of this State, dated Newport, Nov. 23, 1779, purporting the arrival of Thomas Brattle, Esq., at that place in a flag from New-York, and requesting to be informed whether he may be received as an inhabitant of this State, and two letters from the said Mr. Brattle to Oliver Wendell, Esq., on the same subject, beg leave to report:

That whereas a petition of the said Mr. Brattle hath been presented to the General Court in the present session, praying that he may be admitted to enjoy the full rights and privileges of an inhabitant and subject of the State of Massachusetts-Bay, which petition, after full consideration had thereon in both Houses, was dismissed; and as the papers above-mentioned afford no new evidence on the subject, your Committee are of opinion that an answer be written and forwarded to the said Brig. Gen. Cornell, acquainting him with the determination of the two Houses, as aforesaid, and that they see no cause to alter the same, and therefore the said Mr. Brattle cannot be admitted to return to this State; but at the same time recommending him to permit Mr.

<sup>1</sup> Of Springfield.

<sup>2</sup> Of Granville.

<sup>3</sup> Massachusetts Archives, clxxv., 20.



Brattle to go to any territory subject to France or some Neutral Power, provided he should think it consistent with the public safety.

All which is Submitted

CALEB CUSHING per Order

In Council

Read and Accepted.

In the House of Representatives

Read and Concurred. [*Passed December 1.*]

## CHAPTER 586.

RESOLVES DIRECTING THE BOARD OF WAR TO CALL COL. CRAFTS TO AN ACCOUNT FOR ARMS FURNISHED HIM, AND TO DELIVER TO GEN. HANCOCK ARMS AND ACCOUTREMENTS FOR THE THREE COMPANIES OF TRAIN NOW DOING DUTY IN AND ABOUT BOSTON.

In the House of Representatives

The Committee appointed to enquire in to the deficiency of the Arms of the Train of Artillery, belonging to this State formerly Commanded by Col. Thomas Crafts, beg leave to report by way of Resolve:

*Resolved*, That the Board of War be and they are hereby directed forthwith to call Col. Thomas Crafts to an account, and settle with him for the arms delivered him at sundry times by said Board, and also for the arms delivered said Crafts by the Commissary-General. And it is further

*Resolved*, That the Board of War be and they hereby are directed to deliver arms and accoutrements to the Hon. Gen. [John]<sup>2</sup> Hancock, sufficient to compleat the three companies of said train, now doing duty in and about Boston, he to be accountable for the same.

In Council

Read and Concurred

In the House of Representatives

Read and Concurred. [*Passed December 1.*]

## CHAPTER 587.

RESOLVE DIRECTING THE COMMITTEE TO SELL CONFISCATED ESTATES IN WORCESTER COUNTY TO SUSPEND THE SALE OF THE FARM OF TIMOTHY RUGGLES, ESQ., HE HAVING PAID BUT A SMALL PAYMENT TO THE FORMER OWNER ELIZABETH COX.

ON THE PETITION of Elizabeth Cox, praying that she may have a certain farm restored to her which she sold to Timothy Ruggles, Esq., some years ago, and for which she has received but a small part in payment:

*Resolved*, That the Committee appointed to sell confiscated estates in the county of Worcester be and they hereby are directed to suspend the sale of said estate until the further order of the General Court. [*Passed December 1.*]

Legislative  
Records of the  
Council,  
xl., 139.  
Mass.  
Archives,  
ccxxv., 148.  
Mass.  
Resolves,  
Nov. Session,  
chap. 109.  
Mass.  
Archives,  
ccxxv., 149.

Legislative  
Records of the  
Council,  
xl., 140.  
Mass.  
Archives,  
ccxxv., 155.  
Mass.  
Resolves,  
Nov. Session,  
chap. 112.  
Mass.  
Archives,  
ccxxv., 156.

<sup>1</sup> This date is same in Massachusetts Resolves, but November 30 according to Legislative Records of the Council.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vii., 205.



## CHAPTER 588.

RESOLVES DESIRING THE COMMISSIONED OFFICERS OF THE 8TH REGIMENT IN WORCESTER COUNTY TO MEET AT CAPT. THOMAS COWDIN'S IN FITCHBURG ON THE 1ST WEDNESDAY OF FEBRUARY NEXT TO CONSIDER MEANS OF RESTORING UNANIMITY AND HARMONY THEREIN, FOR FILLING VACANCIES WITH SUBSTITUTES TO REPRESENT THEM AND DIRECTING COL. RAND TO FURNISH EACH COMPANY WITH A COPY OF THIS RESOLVE.

Legislative  
Records of the  
Council,  
xl., 140.  
Mass.  
Archives,  
ccxv., 150.  
Mass.  
Resolves,  
Nov. Session,  
chap. 105.

*Ante*, p. 95,  
chap. 183.

WHEREAS it has been represented to this Court that David Wilder, Esq., lately appointed First Major of the 8th Regiment of Militia in the County of Worcester, was a junior Captain to some other Captains in said Regiment, and it does appear that from that or some other cause great uneasiness and discord is at present prevailing in said Regiment: Therefore

*Resolved*, That the commissioned Officers of the several companies in said regiment be desired and impowered to meet at the house of Capt. Thomas Cowdin, in Fitchburg, on the 1st Wednesday of February next, then and there to take into consideration the present state of said regiment, to do all in their power to restore unanimity and harmony thereto, and to report to this Court the measures that may appear to them likely to accomplish so desirable a purpose. And be it further

*Resolved*, That if any company or companies in said Regiment have not the proper number of commissioned officers belonging thereto, they are hereby impowered to choose a number of persons equal to the number of commissioned officers that have heretofore belonged to said company or companies to represent them at the time and place abovementioned, with the same powers as if they were commissioned officers for the company they represent. And John Rand, Esq., Colonel of said regiment, is hereby directed to furnish each company in his regiment with a copy of this Resolve. [*Passed December 1.*]

## CHAPTER 589.

RESOLVE ESTABLISHING THE PAY OF THE MEMBERS OF THE COUNCIL AT \$24 PER DAY AND OF THE HOUSE AT \$20 PER DAY ON ACCOUNT OF THE HIGH PRICES OF NECESSARIES.

Legislative  
Records of the  
Council,  
xl., 141.  
Mass.  
Archives,  
ccxv., 157.  
Mass.  
Resolves,  
Nov. Session,  
chap. 111.

WHEREAS the necessary expences of the Members of the General Court incurred during their attendance this present Session have been exceedingly increased by means of the high prices of the necessaries of life, so that the pay heretofore allowed is very inadequate to discharge the same: Therefore

*Resolved*, That the pay for the Members of the Honorable Council for the present Session be made up at twenty-four dollars per day, and the Members of the House at twenty dollars per day. [*Passed December 1.*]



## CHAPTER 590.

RESOLVE DIRECTING THE BOARD OF WAR TO BORROW FROM JAMES RICHARDSON, ESQ., ACTING DEPUTY COMMISSARY-GENERAL OF ISSUES, RICE AND OTHER PROVISIONS AS HE CAN CONVENIENTLY SPARE TO BE RETURNED WHEN IN THEIR POWER.

*Resolved*, That the Board of War be and are hereby directed to apply to James Richardson, Esq., A.D.C.G. of Issues, for the loan of such quantity of rice and other provisions as he can now or at any time hereafter conveniently spare; the said Board of War to return the same when in their power, or to be otherwise accountable therefor.

And it is earnestly recommended by this Court to the before-mentioned James Richardson, Esq., A.D.C.G. as aforesaid, to supply the Board of War accordingly. [*Passed December 1.*]

Legislative  
Records of the  
Council,  
xl., 141.  
Mass.  
Archives,  
ccxxv., 158.  
Mass.  
Resolves,  
Nov. Session,  
chap. 110.

Mass.  
Archives,  
ccxxv., 54.

## CHAPTER 591.

RESOLVE ADVANCING £50,000 TO THE COMMITTEE APPOINTED TO PURCHASE AND SEND FORWARD STORES TO THE ARMY.

*Resolved*, That there be paid out of the public Treasury of this State to the Committee appointed to purchase and send forward Stores to the army, the sum of fifty Thousand Pounds, they to be accountable for the sums they respectively receive. [*Passed December 1.*]

Legislative  
Records of the  
Council,  
xl., 142.  
Mass.  
Archives,  
ccxxv., 159.  
Mass.  
Resolves,  
Nov. Session,  
chap. 107.

## CHAPTER 592.

RESOLVES DIRECTING THE BOARD OF WAR TO DELIVER CLOTHING FOR THE SOLDIERS IN THE TRAIN OF ARTILLERY TO CAPT. PEREZ CUSHING AND ALLOWING THE OFFICERS TO PURCHASE THEIRS AT THE SAME RATE AS THE CONTINENTAL OFFICERS.

ON THE PETITION of Perez Cushing, Captain of the Train of Artillery in the service of this State, setting forth, that the Soldiers of said Train have not received all the cloathing granted them in the establishment, of which they are in the greatest want; and that the Officers of said Train are also in great want of linen, hats and boots, which they are not able to purchase at the present high price, and praying this Court would take such notice of said petition as their situation merits: Therefore

*Resolved*, That the Board of War be and they are hereby directed to procure and deliver to Capt. Perez Cushing the following articles, being what remains due to said Soldiers, to complet their cloathing for 1779, viz.

One Hundred and thirty-one shirts,  
One Hundred and sixty-five jackets,  
One Hundred and sixty-five pair of leather breeches,  
Three Hundred and thirty linen or woolen ditto,  
One Hundred and sixty-five hunting shirts,  
Twenty pair of shoes,  
Seventy-four blankets.

And it is further

*Resolved*, That the Board of War be and they are hereby directed to deliver for each Officer in said Train of Artillery, linen

Legislative  
Records of the  
Council,  
xl., 142.  
Mass.  
Archives,  
ccxxv., 160.  
Mass.  
Resolves,  
Nov. Session,  
chap. 106.

Mass.  
Archives,  
ccxxv., 162.



for two shirts, one pair of boots, and one hat, they paying for the same at the same rate the Continental Officers are supplied. [*Passed December 1.*]

## CHAPTER 593.

RESOLVE ESTABLISHING THE PAY OF THE BOARD OF WAR AT £S FOR EACH DAY'S ATTENDANCE FROM THE 11<sup>TH</sup> OF FEBRUARY LAST TO THIS DAY, AND TO BE HEREAFTER DETERMINED BY THE GENERAL COURT.

Legislative  
Records of the  
Council,  
xl., 143.  
Mass.  
Archives,  
ccxv., 163.  
Mass.  
Resolves,  
Nov. Session,  
chap. 103.

Mass.  
Archives,  
ccxv., 164-168;  
ccxxv., 53.

ON THE MEMORIAL of the Board of War, praying for an augmentation of their wages, on account of the increased business of their office, and the excessive high price of every article of consumption:

*Resolved*, That the pay of each Member of the Board of War be eight Pounds per day for each day's attendance, the pay to commence the 11th day of February last, to which time they have been paid, and to continue to this day; their future pay to be hereafter determined by the General Court. [*Passed December 1.*]

## CHAPTER 594.

RESOLVE DIRECTING THE BOARD TO FURNISH CHAPLAINS SERVING WITH BRIGADES IN THE CONTINENTAL ARMY WITH THE SAME CLOTHING AS TO QUANTITY AND QUALITY AS COMMANDERS OF REGIMENTS IN THE SAME SERVICE.

Legislative  
Records of the  
Council,  
xl., 143.  
Mass.  
Archives,  
ccxv., 169.  
Mass.  
Resolves,  
Nov. Session,  
chap. 108.

Mass.  
Archives,  
ccxv., 170.  
*Ante*, p. 144,  
chap. 293.

ON THE PETITION of several Chaplains<sup>1</sup> now in the Continental Army, praying for the same indulgence with respect to the allowance of cloathing as other officers of equal rank have:

*Resolved*, That the Board of War be and they hereby are directed to furnish each Chaplain now serving in the several brigades belonging to this State in the Continental Army, with the same articles of cloathing as to quantity and quality, as the commanders of regiments in the same service are intitled to by the Resolve of the 20th of September last. [*Passed December 1.*]

## CHAPTER 595.

RESOLVE ENTITLING MAJ. CALEB GIBBS, COMMANDING HIS EXCELLENCY GEN. WASHINGTON'S GUARD, TO ALL THE PRIVILEGES AND ADVANTAGES OF THE OFFICERS OF EQUAL RANK IN THE FIFTEEN BATTALIONS.

Legislative  
Records of the  
Council,  
xl., 144.  
Mass.  
Archives,  
ccxv., 171.  
Mass.  
Resolves,  
Nov. Session,  
chap. 104.

Mass.  
Archives,  
ccxv., 172-174.

ON THE PETITION of Maj. Caleb Gibbs, commanding his Excellency Gen. Washington's Guard, praying that he might be intitled to the same privileges as the officers belonging to the fifteen Battalions raised in this State:

*Resolved*, That Maj. Caleb Gibbs, commanding his Excellency Gen. Washington's Guard, be intitled to all the privileges and advantages that officers of equal rank in the fifteen Battalions raised in this State are intitled to, and the Committee appointed to settle with the army are directed to consider him accordingly. [*Passed December 1.*]

<sup>1</sup> Hezekiah Smith and Enos Hitchcock, Massachusetts Archives, ccxv., 170.



## CHAPTER 596.

RESOLVE ALLOWING THE COMMITTEE APPOINTED TO SETTLE WITH THE COMMITTEE OF THE ARMY TO HIRE ONE OR MORE CLERKS TO FINISH SAID BUSINESS.

*Resolved*, That the Committee appointed to settle with the Committee of the Army be and they are hereby allowed to hire one or more Clerks, as may be necessary to facilitate and finish said business. [*Passed December 1.*]

Legislative  
Records of the  
Council,  
xl., 144.  
Mass.  
Resolves,  
Nov. Session,  
chap. 114.

## CHAPTER 597.

RESOLVES ASSERTING THE STATE'S RIGHT TO LANDS BOUNDED BY A LINE EXTENDING WEST FROM THREE MILES NORTH OF THE MERRIMACK RIVER TO THE SOUTH SEA, AND SOUTH AND WEST AS BY CHARTER ESTABLISHED, THE OLD COLONY OF PLYMOUTH AND PROVINCE OF MAINE; APPOINTING A COMMITTEE TO REPORT THE CLAIM OF THIS STATE TO ALL LANDS CLAIMED BY NEW YORK AND NEW HAMPSHIRE; AND DIRECTING THE PRESIDENT OF THE COUNCIL TO SIGN LETTERS TO THE PRESIDENT OF CONGRESS AND THOMAS CHITTENDEN, ESQ.

*Resolved*, That this State has a clear and indubitable right to all land comprehended within a line on the North, extending from the Atlantic ocean three miles North of the river Merrimack, and every part thereof West to the South Sea, and the limits and bounds established by charter on the South and West; notwithstanding any settlement by the King and Council of Britain in 1739 fraudulently obtained and unjustly made, abridging said limits with respect to this State, and adjudging part of the territory therein contained to the State of New-Hampshire. And also that this State hath a clear right to all lands contained within the established and known limits of the old Colony of Plymouth and Province of Main.

*Resolved*, That a Committee be appointed by this Court immediately to prepare and report the claim of this State to all the lands and rights of jurisdiction to which they are intitled by charter although now claimed by the State of New-York or New-Hampshire. And also

*Resolved*, That the President of the Council be and hereby is desired to sign the Letter directed to the President of the Congress and to Thomas Chettenden, Esq., in the name and behalf of the General Assembly, and cause them to be forwarded immediately. [*Passed December 2.*]<sup>1</sup>

Legislative  
Records of the  
Council,  
xl., 133.  
Mass.  
Archives,  
cxl., 259.  
Mass.  
Resolves,  
Nov. Session,  
chap. 115-117.  
Mass.  
Archives,  
cxl., 258.  
*Aule*, p. 271,  
chap. 576.

*Letter to Congress respecting this State's Claim to the New-Hampshire Grants, &c.*

SIR,

DECEMBER 2, 1779.

I have had the honour of receiving two letters from the President of Congress, in a late recess of the General Assembly of this State, dated the 3d of October and the 24th of September, and inclosing certain Acts of Congress relative to a District of Country called the New-Hampshire Grants. The Assembly is now sitting, and the said letters and papers have been laid before them. The settlement of the controversies which have arisen with regard to the district abovementioned is of very great importance to this

<sup>1</sup> This date is same in Massachusetts Resolves, but November 27 according to Legislative Records of the Council.



State as it is conceived their right to the soil and jurisdiction can be made abundantly manifest from ancient authentic writings and records. The General Assembly have been by no means inattentive to this claim, they have ever been dissatisfied with a decision of the King of Great Britain in the year 1739, upon a controversy which had subsisted between the Provinces of New-Hampshire and the Massachusetts-Bay, respecting the said claim, conceiving that decision to have been grounded upon misrepresentation and injustice: But it was not thought expedient or safe for them to move for a revision of this matter while the British administration evidently discovered a determination, and did actually attempt to abridge the people of the Massachusetts, not only of their territorial rights and jurisdiction, but the most valuable liberties of British subjects: This was notoriously the case for many years before the breaking out of Hostilities in 1775, and since that period the Assembly have been obliged to suspend all consideration of matters of this kind, by reason of the multiplicity of business which necessarily employ their attention in a time of war. Indeed, considering that litigations concerning the boundaries of particular States have a tendency to excite jealousies among them, and therefore should if possible be avoided, especially at a juncture when perhaps it is more necessary than ever that harmony and good humour should be cultivated and preserved, the Assembly could have wished to have remained silent on a subject of such a nature until the establishment of peace; but being called upon by Congress, though unexpectedly to them, they have resolved to proceed to the business in the manner recommended to them with as much dispatch as the hurry of their affairs will admit of, being solicitous to take every step which may be necessary on their part for the promoting of justice among the parties in this controversy as well as the peace and welfare of the United States in general.

I am, &c.

President.

To the President of the Honorable Congress.

*Letter to Thomas Chittenden, Esq., [Governor of Vermont]<sup>1</sup> respecting the State's claim to the same, commonly called the New-Hampshire grants.*

SIR

DECEMBER 2, 1779.

Your letter, dated Manchester, the 28th of October, and directed to the President of the Council of this State, has been laid before the General Assembly according to your request, and duly considered. Two questions of importance are therein proposed, viz. Over what part of this State (by which we suppose is to be understood Vermont) we mean to extend our claim? and how far we mean to carry such pretensions into execution in the trial at Congress, on the 1st day of February next?

This State hath an ancient and just claim to all lands comprehended within a line on the North, extending from the Atlantic Ocean three miles North of all and every part thereof of the River Merrimack, West to the South Sea and the limits and bounds established by charter on the South west: This we take to be a full answer to your first question, according to it's true intent, because we suppose a part of the district of Country which has been commonly called the New-Hampshire Grants, and is contained within the bounds above described as a part of that

<sup>1</sup> A memoir of Thomas Chittenden . . . by Daniel Chipman, LL.D. . . . Middlebury, 1849.



Territory which you call the State of Vermont, over this tract of country we mean to extend our claim, notwithstanding the decision of the king of Great Britain in favour of the Province of New-Hampshire, in 1739 which we have ever conceived to be unjust; and as the General Assembly hath no authority to divest the State of any of its territorial rights, we mean to continue, assert and maintain the said claim before any body competent to try and determine the same, against the pretensions of any people whomsoever. However necessary you, Sir, may judge it that an explicit acknowledgment of the independence of the State of Vermont should be made, in order to bring about an equitable accomodation of all differences subsisting between the States mentioned in your letter, this State cannot come into such an acknowledgment, consistently with its connection with the United States of America and the engagements it has solemnly entered into with them: We have therefore reason to expect that such formality of stile in this address to you as would be correspondent to that which is adopted in your Letter will be candidly dispensed with at this time.

In the name and by order of the General Assembly, I am, with all due respect, Sir, your most obedient and very humble servant,  
President.

To THOMAS CHETTENDEN [CHITTENDEN], Esq., at Manchester.

## CHAPTER 598.

RESOLVE EMPOWERING THE DELEGATES TO THE CONTINENTAL CONGRESS WITH THOSE FROM THE OTHER AMERICAN STATES TO TAKE FURTHER MEASURES FOR THE ESTABLISHMENT OF THE UNITED STATES OF AMERICA UPON A BASIS PERMANENT AND SECURE AGAINST THE BRITISH NATION.

WHEREAS the Hon. John Hancock, Samuel Adams, Elbridge Gerry, James Lovell, Samuel Holten, George Partridge and Artemas Ward, Esquires, are chosen and appointed to represent this State in the American Congress for one year, to commence the 1st day of January next ensuing:

*Resolved*, That the above-named Gentlemen, or any two of them, or when more are present in Congress, a major part of them, be and they are hereby fully impowered, with the Delegates who are or may be appointed from the other American States, to concert, direct and order such further measures as shall appear to them best calculated for the establishment of the Rights, Liberty and Independence of the United States of America, upon a basis permanent and secure against the power and art of the British Nation; for prosecuting the present war, concluding peace, contracting alliances, establishing commerce, and guarding against any future encroachments and machinations of their enemies; with power to adjourn to such times and places as shall appear most conducive to the public safety and advantage. But notwithstanding the above exceptions, four of the said Gentlemen, at least, are enjoined constantly to attend upon the business of their delegation. [*Passed December 3.*<sup>1</sup>

Legislative  
Records of the  
Council,  
xl., 146.  
Mass.  
Archives,  
cexxv., 176.  
Mass.  
Resolves,  
Nov. Session,  
chap. 118.

Mass.  
Archives,  
cexxv., 179, 180.  
*Ante*, p. 273,  
chap. 583.

<sup>1</sup> This date is same in Massachusetts Resolves, but December 2 according to Legislative Records of the Council.



## CHAPTER 599.

RESOLVES DIRECTING THE BOARD OF WAR TO SEND CLOTHING COLLECTED IN WORCESTER AND HAMPSHIRE COUNTIES TO THE STATE'S CLOTHIER IN THE CONTINENTAL ARMY, WITH ALL POSSIBLE DISPATCH, MANY OF THE MEN IN GLOVER'S BRIGADE BEING DESTITUTE OF SHOES, STOCKINGS, ETC.; TO SUPPLY THE GENERAL OFFICERS OF THIS STATE WITH CLOTHING SUITABLE TO THEIR RANK, TO BE CHARGED TO THEIR ACCOUNT, AND DIRECTING THE COMMITTEE ON ACCOUNTS AND THE TREASURER TO SETTLE AND PAY THE ACCOUNTS DUE SAID OFFICERS.

Legislative  
Records of the  
Council,  
xl., 147.  
Mass.  
Archives,  
ccxxv., 182-184.  
Mass.  
Resolves,  
Nov. Session,  
chap. 125.

ON THE LETTER of Brig. Gen. [John]<sup>1</sup> Glover, representing that many of the men in his brigade are destitute of Shoes, Stockings, &c., also that no provision, more than the first establishment, has been made for the General Officers belonging to this State:

*Resolved*, That the Board of War be and they hereby are directed, with all possible dispatch, to pack in suitable casks all the Blankets, Shoes, Stockings and Shirts which they have received from any of the towns in this State, and deliver them to the Committee appointed to purchase Stores for the Army, and said Committee are hereby ordered and directed, without any delay, to send forward said cloathing, together with the cloathing collected in the counties of Worcester and Hampshire, to Mr. Samuel Ruggles, this State's Clothier in the Continental Army, to be by him delivered out to that part of the Continental Army raised in this State, in such manner as the Commander in Chief shall direct, or if no orders can be obtained for that purpose, in such manner as the said Clothier shall judge will be most for the benefit and comfort of the army.

And whereas justice, gratitude and every benevolent principle require that some measures should be adopted, either by Congress or the respective States, for the relief of the General Officers; and as it appears to this Court that Congress have not yet taken any measures for that purpose: Therefore

*Resolved*, That the Board of War be and they hereby are directed to supply each Major and Brigadier General in the Continental Army, who belong to this State (on their application therefor) with a suit of cloaths suitable to their rank; also six shirts and stocks, six pair of stockings, three pair of shoes, one pair of boots, and a hat, and charge the same to their respective accounts; they to be accountable when their original establishment is made good. And it is further

*Resolved*, That the Committee appointed to settle the accounts of the officers and privates of that part of the Continental Army raised in this State be and they hereby are authorized and directed to settle and adjust the accounts of each General Officer in the Continental Army belonging to this State (on their application therefor) in the same manner as they are directed to settle the other accounts of the army; and the Treasurer of this State is hereby directed to pay any ballances that may be found due to the said General Officers, in the same manner as he is directed to pay the ballances due to the other officers in the Continental Army belonging to this State. And the Secretary of this State is hereby directed to send a copy of the foregoing Resolutions to each of the General Officers belonging to this State in the Continental Army. [Passed December 3.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vi., 508.



## CHAPTER 600.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY JOSEPH HENDERSON, COMMISSARY OF PRISONERS, A BOAT, SOME CORDAGE, ETC., FOR THE PRISON SHIP WITHOUT DELAY.

ON THE MEMORIAL of Joseph Henderson, Esq., Commissary of Prisoners, setting forth, that the prison-ship in the harbour of Boston is in great danger, for want of a boat, some cordage and other articles, set forth in his memorial, and for which the Honorable Council gave him an order on the Board of War, which order the said Board of War have not complied with, alledging they were not authorised by their commission to purchase in consequence of an order from the Honorable Council: Therefore

*Resolved*, That the Board of War be and they hereby are directed, without delay, to supply Joseph Henderson, Esq., Commissary of Prisoners, with the articles mentioned in the said order of Council of the 29th of November. [*Passed December 3.*]

Legislative  
Records of the  
Council,  
xl., 149.  
Mass.  
Archives,  
ccxv., 185.  
Mass.  
Resolves,  
Nov. Session,  
chap. 127.

Mass.  
Archives,  
ccxv., 186;  
celxxv., 55.

## CHAPTER 601.

RESOLVE ADVANCING £200 TO LEMUEL KOLLOCK, ESQ., TO ENABLE HIM TO PROSECUTE TRESPASSERS ON THE LAND OF WILLIAM BROWN, ESQ., AN ABSENTEE.

THE COMMITTEE appointed to consider the propriety of supplying Lemuel Kollock, Esq., with a sum of Money for the purpose of carrying on the prosecution against the trespassers on the land of William Brown, Esq., an absentee, beg leave to report the following Resolve: viz.

In the House of Representatives

*Resolved*, That the sum of two Hundred Pounds be paid out of the Treasury of this State to Lemuel Kollock, Esq., to enable him to carry on the prosecution against the trespassers on the land of William Brown, Esq., an absentee. Said Kollock to be accountable for the expenditure of the same.

In Council

Read and Concurred. [*Passed December 3.*]

Legislative  
Records of the  
Council,  
xl., 149.  
Mass.  
Archives,  
ccxv., 187.  
Mass.  
Resolves,  
Nov. Session,  
chap. 132.

*An'te*, p. 251,  
chap. 531.

## CHAPTER 602.

RESOLVE EMPOWERING THE ADMINISTRATORS OF THE ESTATE OF THE REV. LEMUEL HEDGE, LATE OF WARWICK, TO MAKE SALE OF REAL ESTATE IN WARWICK.

ON THE PETITION of Sarah Hedge and Meadad Pomroy, Administrators on the Estate of the Rev. Lemuel Hedge, late of Warwick, in the County of Hampshire, deceased, praying that they may be empowered to make Sale of all the real Estate of the deceased in Warwick aforesaid, for the reasons mentioned in said petition:

*Resolved*, That the said Sarah Hedge and Meadad Pomroy be and they hereby are empowered to make sale of all the real estate mentioned in said petition, in Warwick aforesaid, for the most the same will fetch, and make and execute a good deed or deeds of the same, saving only the widow's term therein in right of dower; they observing the rules and directions of the law prescribed to executors and administrators in selling real estates, and giving

Legislative  
Records of the  
Council,  
xl., 150.  
Mass.  
Archives,  
ccxv., 188.  
Mass.  
Resolves,  
Nov. Session,  
chap. 123.

Mass.  
Archives,  
ccxv., 189, 190.  
Province  
Laws, ii., 151,  
chap. 10.



proper caution to the Judge of Probate for the County of Hampshire, that the neat proceeds thereof shall be disposed of according to law. [*Passed December 3.*]

## CHAPTER 603.

RESOLVE MAKING AN ESTABLISHMENT FOR THE MILITIA ORDERED BY THE COUNCIL, DURING THE RECESS, TO DO DUTY AT THE CASTLE.

Legislative  
Records of the  
Council,  
xl., 150.  
Mass.  
Archives,  
ccxxv., 191.  
Mass.  
Resolves,  
Nov. Session,  
chap. 122.

*Resolved*, That the following sums be allowed and paid out of the public Treasury of this State to the Militia ordered by the Honorable Council, in the recess of the General Court, to do duty at the Castle, and who have not or shall not leave said service until regularly discharged, viz. to each Captain, Adjutant, Quarter-Master, and Surgeon's Mate, thirty Pounds, each Lieutenant twenty-four Pounds; each Serjeant twenty-three Pounds; each Corporal, Drummer, and Fife twenty-two Pounds; and each private Soldier twenty-one Pounds per month for each Kallender month they may be in service, also two Shillings per mile from their respective homes to the place where they were ordered to do duty. [*Passed December 3.*]

## CHAPTER 604.

RESOLVES DIRECTING THE IMMEDIATE DELIVERY OF ALL CLOTHING COLLECTED BY THE AGENTS, DULY INSPECTED AND PACKED, TO THE BOARD OF WAR WHO WILL FORWARD THE SAME TO THIS STATE'S CLOTHIER.

Legislative  
Records of the  
Council,  
xl., 151.  
Mass.  
Archives,  
ccxxv., 192.  
Mass.  
Resolves,  
Nov. Session,  
chap. 121.

*Ante*, p. 72,  
chap. 138;  
p. 236, chap.  
496; p. 255,  
chap. 542;  
p. 282, chap.  
599.

*Resolved*, That Mr. Lemuel Kollock, Col. Israel Hutchinson and Maj. Joseph Hosmer be and they hereby are directed immediately to send all the Shirts, Shoes, Stockings and Blankets, which they have received, to the Board of War. That Maj. [Seth]<sup>1</sup> Washburn and Maj. [Warham]<sup>1</sup> Parks deliver all of the above enumerated articles, which they have received, to the order of the said Board, who are hereby directed to write to Col. [Caleb]<sup>1</sup> Hyde of Lenox, requiring him to convey all the above enumerated articles, which he has received, to Mr. Samuel Ruggles, this State's Clothier, and take duplicate receipts therefor, one of which he is immediately to send to the Board of War. The above Agents are to observe the Resolve of the 15th of November last, respecting packing the cloathing and marking the casks. It is further

*Resolved*, That the Board of War write to all the Agents appointed by a Resolve of the 21st of June last, who are not named above, requiring them to convey all the articles above mentioned, which they have received, to the Board of War, or such other place as said Board may judge best for the public service, and on no account to fail of doing it with the utmost possible dispatch. All the aforesaid Agents are required to pay strict observance to a Resolve of the 22d of November last, concerning the inspecting said Cloathing, and if any of them have not received all the articles they were directed to collect, they are hereby directed to proceed in collecting such deficient articles, and to forward them as soon as possible to such places as the Board of War shall direct; and the charges unavoidably incurred in the execution of these orders shall be allowed and paid by the Committee on Accounts. [*Passed December 3.*]

<sup>1</sup> *Ante*, p. 74, chap. 138.



## CHAPTER 605.

RESOLVE SETTING ASIDE THE JUDGMENT IN FAVOR OF DAVID GILMAN AND OTHERS AGAINST SAMUEL WHITE, STAYING WRITS, ETC., AND ALLOWING TRIAL AT THE NEXT INFERIOR COURT FOR THE COUNTY OF LINCOLN AS IF CONTINUED.

ON THE PETITION of Samuel White, praying leave that a judgment of the Inferior Court for the County of Lincoln against him in favour of David Gilman and others, given at the last term of said Court, may be set aside:

*Resolved*, That the same judgment and the report of the Referees in said case be set aside and annulled, and if any Writ of Possession or Execution has issued thereon that the same be stayed, and that the action on which the said judgment is founded be brought forward to the next Inferior Court of Common Pleas for the said County of Lincoln as if the same had been regularly continued thereto from the last term, and the same proceedings had thereon as by law the parties are intitled to, the said judgment notwithstanding; Provided the said White cause the said Gilman and others to be served with an attested copy of this Resolve sixty days before the first day of the next term of said Court. [*Passed December 3.*]

Legislative  
Records of the  
Council,  
xl., 152.  
Mass.  
Archives,  
ccxxv., 193.  
Mass.  
Resolves,  
Nov. Session,  
chap. 119.

Mass.  
Archives,  
ccxxv., 195, 196.

## CHAPTER 606.

VOTE CONFIRMING FORMER REPORT ON THE DISPUTE BETWEEN SOUTH HADLEY AND GRANBY AND ALLOWING GRANBY, AT THE NEXT SITTING, TO CHOOSE WHETHER THEY WILL BE AGAIN ANNEXED OR DIVIDED.

THE COMMITTEE of both Houses appointed upon the petition of Noah Goodman, Esq., Agent for the Town of South-Hadley, and the several papers respecting the dispute between the Towns of South-Hadley and Granby, and report what is proper to be done thereon, having attended the business of their appointment, heard the parties, report as their opinion, that the Report signed Jabez Fisher, per Order, and reported to this Court the 31st of May last, be accepted, and that Noah Goodman, Esq., Agent for South-Hadley, be and he hereby is directed to serve the Town-Clerk of Granby with a copy of this Report, that the Town of Granby may, by their Agent or otherwise, on the 1st Tuesday of the next Sitting of the General Court, have an opportunity (if they think proper) to choose whether they will be again annexed to South-Hadley, or divided agreeable to the Report of the Committee referred to above. [*Passed December 3.*]

Legislative  
Records of the  
Council,  
xl., 152.  
Mass.  
Resolves,  
Nov. Session,  
chap. 129.

Province  
Laws, xx., 688,  
chap. 693.

## CHAPTER 607.

RESOLVE DIRECTING SAMUEL OSGOOD, ESQ., TO SEND THE CONDEMNED POWDER IN THE MAGAZINE AT WATERTOWN TO THE MILLS AT STOUGHTON TO BE REMANUFACTURED, THE COMMISSARY TO CLEAR THE MAGAZINE AND REQUESTING THE COUNCIL TO DISCHARGE THE GUARD.

ON THE MEMORIAL of Richard Devens, Commissary-General of this State, setting forth, that the State is at considerable expence for a guard at the powder magazine at Watertown, and that there is only five tons of condemned powder in said magazine,

Legislative  
Records of the  
Council,  
xl., 153.  
Mass.  
Archives,  
ccxxv., 197.



Mass.  
Resolves,  
Nov. Session,  
chap. 130.

Mass.  
Archives,  
ccxv., 198.  
*Ante*, p. 169,  
chap. 351.

which ought to be sent to the mills to be manufactured over again, and that then the magazine might be cleared and the Guards discharged: Therefore

*Resolved*, That Samuel Osgood, Esq., be and he is hereby directed, as soon as possible, to send for said condemned powder to the mills at Stoughton, in order that the same might be remanufactured, and that the Commissary be and he is hereby directed, as soon as said condemned powder is delivered, to clear said magazine and acquaint the Honorable Council therewith, who are thereupon requested to discharge said Guards from any further service. [*Passed December 3.*]

## CHAPTER 608.

RESOLVE DIRECTING THE BOARD OF WAR TO SETTLE ALL ACCOUNTS FOR THE SUPPLY OF THE ARMY ON THE PENOBSCOT EXPEDITION UPON VOUCHER OR OATH.

Legislative  
Records of the  
Council,  
xl., 153.  
Mass.  
Archives,  
ccxv., 199.  
Mass.  
Resolves,  
Nov. Session,  
chap. 135.

Mass.  
Archives,  
ccxxxv., 56.  
*Ante*, p. 269,  
chap. 569.

*Resolved*, That the Board of War be and they hereby are directed to receive and pass all the accounts of the officers and other persons who have supplied the army on the late expedition to Penobscot, or while occupying any post after the retreat; said Board of War to call for proper vouchers to each account they shall so pass, and if vouchers cannot be obtained, the said accountant to be put upon his oath respecting the justice of the charges not so vouched. Said Board of War is hereby directed and impowered to receive or pay any balances which may be due on the settlement of the aforesaid accounts. [*Passed December 3.*]

## CHAPTER 609.

RESOLVE ESTABLISHING THE PAY OF THE COMMITTEE FOR METHODIZING ACCOUNTS AT £8 PER DAY FROM THE 1ST OF OCTOBER LAST UNTO DATE AND FOR THEIR FUTURE SERVICES AS THIS COURT SHALL ORDER.

Legislative  
Records of the  
Council,  
xl., 154.  
Mass.  
Archives,  
ccxv., 200.  
Mass.  
Resolves,  
Nov. Session,  
chap. 131.

Mass.  
Archives,  
ccxv., 201.

ON THE PETITION of John Deming and Peter Boyer, praying for an augmentation of their pay, on account of the high price of the necessaries of life:

*Resolved*, That there be allowed and paid out of the Treasury to John Deming and Peter Boyer the sum of eight Pounds a day each, in full for their services as a Committee for methodizing accounts, from the 1st day of October last to the present time, and for their future services in the business aforesaid such sums and allowances as this Court shall order. [*Passed December 3.*]

## CHAPTER 610.

Legislative  
Records of the  
Council,  
xl., 154.  
Mass.  
Archives,  
ccxv., 202.  
Mass.  
Resolves,  
Nov. Session,  
chap. 124.

RESOLVE GRANTING £700 TO SAMUEL FREEMAN, ESQ., CLERK OF THE HOUSE OF REPRESENTATIVES, IN PART FOR HIS SERVICES.

*Resolved*, That there be allowed and paid out of the Treasury of this State to the Hon. Samuel Freeman, Esq., in part for his services as Clerk of the House of Representatives, the sum of seven Hundred Pounds, he to account for the same. [*Passed December 3.*]



## CHAPTER 611.

RESOLVE GRANTING £6,000 TO THOMAS CUSHING, ESQ., AND OTHERS,  
A COMMITTEE OF FORTIFICATION.

*Resolved*, That there be paid out of the public Treasury of this State to the Hon. Thomas Cushing, Esq., and others, a Committee of Fortification, the sum of six Thousand Pounds, they to be accountable for the same. [*Passed December 3.*]

Legislative  
Records of the  
Council,  
xl., 154.  
Mass.  
Archives,  
ccxxv., 203.  
Mass.  
Resolves,  
Nov. Session,  
chap. 120.

## CHAPTER 612.

RESOLVE GRANTING £658. 10s. TO HON. JOHN HANCOCK, ESQ., THE  
BALANCE DUE HIM FOR SERVICES AND EXPENSES AS DELEGATE  
TO CONGRESS FROM JUNE 3, TO JULY 28, 1778.

THE COMMITTEE appointed to examine and adjust the account of the Hon. John Hancock, Esq., one of the Delegates of Congress from this State, have attended that service, and beg leave to report that the sum due to him for his services and expences, horse hire, &c. from June 3, 1778 to July 28, 1778, amounts to nine Hundred and fifty-eight Pounds ten Shillings; of which he has received three Hundred Pounds of the State Treasurer, and there remains a ballance due to the said John Hancock, Esq., of six Hundred and fifty-eight Pounds ten Shillings: Therefore

*Resolved*, That there be paid out of the Treasury of this State to the Hon. John Hancock, Esq., the sum of six Hundred and fifty-eight Pounds ten Shillings, in full for the ballance due to him for his services and expences as Delegate from this State in Congress from June 3, 1778 to July 28, 1778. [*Passed December 3.*]

Legislative  
Records of the  
Council,  
xl., 155.  
Mass.  
Archives,  
ccxxv., 204.  
Mass.  
Resolves,  
Nov. Session,  
chap. 126.  
Mass.  
Archives,  
ccxxv., 205.

## CHAPTER 613.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER TO CAPT.  
LEMUEL CLAP SIX FIREARMS FOR THE MEN WHO LOST THEIRS  
WHEN THE PRISONERS ROSE ON THE GUARD SHIP JULY 22D  
LAST.

ON THE PETITION of Capt. Lemuel Clap, setting forth that he raised a company of soldiers to do duty at Dorchester and Roxbury, and that on the 29th day of June last he received an order of Council to send fifteen men with a serjeant and corporal to do duty on board the guard-ship in this harbour; that on the 22nd day of July last the prisoners on board the guard-ship rose on the guards and took six fire-arms from them, and praying that the General Court would give him an order on the Board of War for six fire-arms to replace those which were lost:

*Resolved*, That the Board of War be and they are hereby directed to deliver to Capt. Lemuel Clap six fire-arms, to be by him delivered to the men who lost them. [*Passed December 3.*]

Legislative  
Records of the  
Council,  
xl., 155.  
Mass.  
Archives,  
ccxxv., 206.  
Mass.  
Resolves,  
Nov. Session,  
chap. 133.  
Mass.  
Archives,  
ccxxv., 207, 208.



## CHAPTER 614.

RESOLVE GRANTING £568 TO THE TOWN OF BRIDGEWATER AS THE REMITTANCE OF A FINE FOR TWO MEN AND BOUNTIES FOR TWENTY-FOUR MEN.

Legislative  
Records of the  
Council,  
xl., 156.  
Mass.  
Archives,  
ccxxv., 209.  
Mass.  
Resolves,  
Nov. Session,  
chap. 128.  
Mass.  
Archives,  
ccxxv., 210-212.  
Province  
Laws, xx., 367,  
chap. 970; 441,  
chap. 55.

ON THE PETITION of the Selectmen of the Town of Bridgewater, setting forth, that said Town of Bridgewater raised two Men more than they had credit for in the year 1778, by which means they were subjected to a Fine of two Hundred Pounds, and were deprived of the thirty Pounds bounty for each man, promised to those towns that should raise their men, agreeable to a Resolve of April 20, 1778, for filling up the Continental Army, and further setting forth, that they did raise twenty-two men to serve in the State of Rhode-Island, agreeable to a Resolve of June 12, 1778, for which men they have not been allowed the fourteen Pounds bounty, agreeable to the abovesaid Resolve: Therefore

*Resolved*, That there be allowed and paid out of the public Treasury of this State to the Selectmen of the town of Bridgewater the sum of two Hundred Pounds, as a remittance for said fine, and the sum of sixty Pounds, as bounty for said two men, and a sum of three Hundred and eight Pounds, as bounty for the abovesaid twenty-two men, agreeable to the abovesaid Resolves. [*Passed December 3.*]

## CHAPTER 615.

RESOLVES SETTING A HEARING ON THE ALLOWANCE, AS EVIDENCE, OF A CERTIFIED COPY OF LIEUT. GOV. WILLIAM STOUGHTON'S WILL, THE PROBATE RECORDS OF SUFFOLK COUNTY BEING OUT OF THIS STATE, AND CONTINUING THE ACTIONS BY LEMUEL KOLLOCK AND OTHERS AGAINST JOHN WYMAN AND JONATHAN STREETER UNTIL THE INFERIOR COURT AT WORCESTER IN MARCH NEXT.

Legislative  
Records of the  
Council,  
xl., 156.  
Mass.  
Archives,  
ccxxvii., 421.  
Mass.  
Resolves,  
Nov. Session,  
chap. 134.  
Mass.  
Archives,  
ccxxvii., 422.

UPON THE MOTION of Lemuel Kollock, shewing that there are two actions of trespass pending in the Inferior Court of Common Pleas, in the County of Worcester, in which said Lemuel Kollock and others are Plaintiffs and John Wyman is Defendant in one of those actions, and Jonathan Streeter is Defendant in the other, and also shewing that it will be proper for the Plaintiffs to give in evidence in those actions a copy of the last Will and Testament of the late Lieut. Gov. [William]<sup>1</sup> Stoughton, deceased, duly attested, which cannot at present be procured by reason of the removal of the Probate Records of the County of Suffolk out of this State, the said Lemuel producing a paper purporting to be a true copy of the last Will and Testament aforesaid, attested by one Elijah Dunbar, praying that the same may be established by the legislature as a true copy of the same last Will, and be given in evidence in all causes and actions in which said last Will and Testament might be given in evidence: Therefore

*Ordered*, That the said Lemuel notify said Wyman and Streeter, by serving them with an attested copy of this order, to shew cause, if any they have, why the paper purporting as aforesaid should not be established and allowed to be given in evidence as moved for, on the 1st Wednesday of the next sitting of the General Court. And it is

*Resolved*, That the Justices of the Inferior Court aforesaid be

<sup>1</sup> Manual for the General Court, 1919, 286.



hereby authorized and directed to continue said actions untill next March term, and also to require said Wyman and Streeter severally to give bond with sufficient sureties in reasonable penalties, to be determined by said Justices, to said Kollock and his heirs, conditioned to commit no strip nor waste on the lands described in the writs on which the above actions are founded until final Judgment shall be had thereon, and to imprison without bail or mainprise the said Defendants, upon their refusal, until they give the bonds aforesaid. [*Passed December 3.*]

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## CHAPTER 616.

RESOLVE APPOINTING MR. THOMAS WALLEY TO HAVE THE TAX ACT PRINTED AND DELIVERED TO THE TREASURER WHO WILL SEND THEM TO THE SHERIFFS TO BE DISPERSED TO THE TOWNS.

WHEREAS it is highly necessary that the present Tax-Bill should be printed and sent to the several towns in this State with the greatest possible dispatch: Therefore

*Resolved*, That Mr. Thomas Walley be and he hereby is appointed to procure the said Tax-Bill to be printed as soon as the same shall be completed, and convey them to the Treasurer of this State, who is hereby directed and required to send them immediately to the Sheriffs of the several counties; and the said Sheriffs are required to disperse the same to all the towns in their respective counties with the greatest dispatch, and to lay their accounts for the service before the Committee of Accounts for allowance and payment. [*Passed December 4.*]

Legislative  
Records of the  
Council,  
xl., 158.  
Mass.  
Archives,  
ccxv., 214.  
Mass.  
Resolves,  
Nov. Session,  
chap. 136.

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## CHAPTER 617.

RESOLVE GRANTING £4,107. 12s. TO THE HON. SAMUEL ADAMS, ESQ., THE BALANCE DUE HIM FOR SERVICES AND EXPENSES AS DELEGATE TO CONGRESS FROM APRIL 27, 1778, TO JULY 1, 1779.

THE COMMITTEE appointed to examine and adjust the accounts of the Hon. Samuel Adams, Esq., one of the Delegates of Congress from this State, have attended that service, and beg leave to report they have examined said account and find it well vouched and right cast, and that there remains a ballance due to said Samuel Adams of Four Thousand one Hundred and seven Pounds twelve Shillings and ten Pence: Therefore

*Resolved*, That there be paid out of the Treasury of this State to the Hon. Samuel Adams, Esq., the above Sum of Four Thousand one Hundred and seven Pounds twelve Shillings and ten Pence, being in full of the ballance due to him for his services and expences from April 27, 1778, to July 1, 1779, as Delegate in Congress from this State. [*Passed December 4.*]

Legislative  
Records of the  
Council,  
xl., 158.  
Mass.  
Archives,  
ccxv., 217.  
Mass.  
Resolves,  
Nov. Session,  
chap. 137.  
Mass.  
Archives,  
ccxv., 218.

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## CHAPTER 618.

RESOLVE EMPOWERING THE ASSESSORS OF THE TOWNS OF SHEFFIELD AND MT. WASHINGTON TO APPORTION AND ASSESS THE PRESENT TAX SET UPON THE TOWN OF SHEFFIELD, UPON THE TOWNS OF SHEFFIELD AND MT. WASHINGTON AGREEABLE TO THE LAST GENERAL VALUATION.

Legislative  
Records of the  
Council,  
xl., 159.  
Mass.  
Archives,  
ccxxv., 222.  
Mass.  
Resolves,  
Nov. Session,  
chap. 138.

WHEREAS the Town of Mount-Washington at the time of taking the last general valuation was considered as part of the town of Sheffield, and the town of Sheffield is now taxed in the present tax-bill the whole sum which ought to have been set to the town of Sheffield and the town of Mount-Washington; and as it is impossible at this time to ascertain what proportion of said tax ought to be set to the town of Mount-Washington: Therefore

*Resolved*, That the respective Assessors of the town of Sheffield and the town of Mount-Washington, be and they are hereby authorized and impowered to apportion and assess the present tax now set to the town of Sheffield, on the towns of Sheffield and Mount-Washington, agreeable to the last general Valuation. [*Passed December 6.*]

## CHAPTER 619.

RESOLVES REQUIRING AN EARLY AND PUNCTUAL ATTENDANCE AT THE NEXT SITTING FOR THE PURPOSE OF APPOINTING A COMMITTEE OF MEMBERS FROM EACH COUNTY TO REVISE THE VALUATION, AND ANY TOWN WHICH HAS NOT SENT A REPRESENTATIVE MAY BE HEARD BY THEIR AGENT OR AGENTS.

Legislative  
Records of the  
Council,  
xl., 160.  
Mass.  
Archives,  
ccxxv., 223.  
Mass.  
Resolves,  
Nov. Session,  
chap. 140.

THE COMMITTEE appointed from a number of Counties in this State to consider the Complaints made by a number of Towns in the State respecting the present Valuation and report what Measures are necessary to be taken in order to remove the cause of said Complaints have carefully attended that Service and after the best enquiry they are able to make are of opinion that the present Valuation as it respects the different Counties in the State is just and equal. But from the many Complaints made and the best knowledge your Committee can obtain respecting the Matter they are further of opinion that the Valuation as it respects the proportions set upon some Towns in some of the Counties in the State are not so equal as might be wished. This your Committee find to be the cause of the Complaints made to this Court. Your Committee can devise no better Method for removeing the cause of these Complaints than by a County Revision of the Valuation that so each Complainant may have oppurtunity of Redress according as he or they shall make appear to be just and proportionable and that said Revision take place the next Sitting of the General Court and that in order to an easy and satisfactory accommodation of the matter the Members of the House are strictly required and enjoined to give their attendance at the next Sitting of the General Court. Wherefore your Committee beg leave to report the following Resolve:

In the House of Representatives

*Resolved*, That this Court will, as early in the next sitting thereof as may be, appoint a Committee, consisting of a Member or Members from each county in this State, to revise the present Valuation, and report such alterations in the proportions of the several towns in the different counties as shall then be made appear just and equal, and in order that the same be done with the



utmost justice and satisfaction, the several members of the House are hereby required and strictly enjoined to give an early and punctual attendance at the next sitting of the General Assembly. And it is further

*Resolved*, That any town in this State which has not sent any Representative to the General Court the present Year, and who apprehend themselves over-burthened in the said Valuation, shall and may be heard respecting the matter by their Agent or Agents, as they shall choose to appoint.

In Council

Read and Concurred. [*Passed December 6.*]

## CHAPTER 620.

RESOLVE GRANTING £151. 2s. TO JAMES PRESCOTT, ESQ., FOR PROCURING AN ACCOUNT OF THE ESTATES OF ABSENTEES IN MIDDLESEX COUNTY.

ON THE PETITION of James Prescott, Esq., praying for such an allowance for his services in procuring an account of the estates of Absentees in the county of Middlesex, agreeable to a resolve of the General Court of the 23d of June last, as shall be adequate to those services:

*Resolved*, That the prayer of the said petition be granted, and that there be paid out of the public Treasury to the said James Prescott, Esq., the sum of one Hundred and fifty-one Pounds two Shillings, in full for said services. [*Passed December 6.*]

Legislative  
Records of the  
Council,  
xl., 160.  
Mass.  
Archives,  
ccxxv., 225.  
Mass.  
Resolves,  
Nov. Session,  
chap. 141.

Mass.  
Archives,  
ccxxv., 226, 227.  
*Ante*, p. 82,  
chap. 155.

## CHAPTER 621.

RESOLVE PERMITTING WILLIAM GREENWOOD TO GO IN HIS VESSEL TO BARRINGTON, N. S., TAKING RYE AND INDIAN CORN FOR THE DISTRESSED PERSONS THERE AND TO RETURN WITH HIS FAMILY AND EFFECTS.

THE COMMITTEE of both Houses on the petition of William Greenwood, praying, for reasons set forth in his petition, that he may have leave to return to Nova-Scotia, and to carry some necessaries for the support of his family and others, and that he may return to this State with his family and effects, report the following Resolve: viz.

*Resolved*, That the prayer of the petition be so far granted as that the said William Greenwood be and hereby is permitted to depart this State and to go to Barrington in the Government of Nova-Scotia, and to take on board his vessel, twenty-five bushels of Rye, and twenty-five bushels of Indian-Corn for the support of his family and other distressed persons there, and also that he be and hereby is permitted to return to this State with his family and effects. And all armed vessels belonging to this State are commanded, and those belonging to the United States are requested not to molest or impede the said William Greenwood in his passage to or return from Nova-Scotia, for the purpose aforesaid, but to afford him any protection and assistance in their power.

Which is submitted

WILLIAM SPOONER per Order.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed December 6.*]

Legislative  
Records of the  
Council,  
xl., 161.  
Mass.  
Archives,  
ccxxv., 219.  
Mass.  
Resolves,  
Nov. Session,  
chap. 139.

Mass.  
Archives,  
ccxxv., 220;  
ccxxviii., 223-  
224. Province  
Laws, xx., 513,  
chap. 240.



## CHAPTER 622.

RESOLVES ADVANCING £600 TO CAPT. EZRA LUNT, COMMISSARY OF SMALL STORES, TO ENABLE HIM TO PROCEED TO CAMP AND DIRECTING HIM TO ADD THE COST OF TRANSPORTATION TO ALL STORES HE RECEIVES FROM THE COMMITTEE OF SUPPLIES, AS IS SET IN AN ACT TO PREVENT MONOPOLY AND OPPRESSION.

Legislative  
Records of the  
Council,  
xl., 164.  
Mass.  
Archives,  
ccxxv., 228.  
Mass.  
Resolves,  
Nov. Session,  
chap. 142.  
Province  
Laws, v., 583,  
chap. 14.

*Resolved*, That there be paid out of the public Treasury of this State to Capt. Ezra Lunt, Commissary of this State to deliver out small Stores to that part of the Continental Army raised by this State, the sum of six Hundred Pounds, to enable him to proceed to camp, he to be accountable for the same. And it is further

*Resolved*, That the said Commissary is to add the cost of transportation upon all the stores he receives from the Committee of supplies as is set in An Act to prevent Monopoly and Oppression, passed in the Year 1777. [*Passed December 6.*]

## CHAPTER 623.

RESOLVE DIRECTING THE COMMITTEES OF SHREWSBURY, OXFORD AND BROOKFIELD TO DELIVER TO SAMUEL BROOME SUGAR BELONGING TO JOHN BROOME AND JEREMIAH PLATE OF HARTFORD, STOPPED BY SAID COMMITTEES, HE PAYING STORAGE AND REASONABLE EXPENSES.

Legislative  
Records of the  
Council,  
xl., 175.  
Mass.  
Archives,  
ccxxv., 229.  
Mass.  
Resolves,  
Nov. Session,  
chap. 143.  
Mass.  
Archives,  
ccxxv., 230,  
231. Province  
Laws, v., 1114,  
chap. 13.

ON THE PETITION of Samuel Broome, of Boston, setting forth, that he sent forward forty barrels of sugar that belonged to John Broome and Jeremiah Plate, of Hartford, some time before the Embargo Act took place, but before said sugar got out of this State the Committees of Shrewsbury, Oxford and Brookfield, stopped said sugar, said Act then having took place, and is now under the care of the Committees of said towns of Shrewsbury, Oxford and Brookfield, as set forth in said petition: Therefore

*Resolved*, That the prayer of the petition be granted, and that the several Committees or Selectmen of the towns of Shrewsbury, Oxford and Brookfield be and hereby are directed to deliver to said Samuel Broome, or his order, the quantity of sugar in their hands, and stopped in the several towns aforesaid, that was sent forward by said Samuel Broome, he paying for storage and reasonable pay for necessary expences; any law to the contrary notwithstanding. [*Passed December 6.*]

## CHAPTER 624.

RESOLVE REQUESTING THE OVERSEERS OF THE POOR OF THE TOWN OF BOSTON TO MAKE PROVISION FOR A NEGRO MAN CALLED BOSTON, SERVANT TO ABEL WATERS OF DANVERS, AND CHARGE THE SAME TO THIS STATE.

Legislative  
Records of the  
Council,  
xl., 166.  
Mass.  
Archives,  
ccxxv., 232.  
Mass.  
Resolves,  
Nov. Session,  
chap. 148.

*Resolved*, That the Overseers of the poor of the town of Boston be and they are hereby requested to make provision, and charge the same to this State, for Boston, Negro-Man, servant to Abel Waters of Danvers, until the further order of this Court. [*Passed December 7.*]



## CHAPTER 625.

RESOLVE EMPOWERING THE BOARD OF WAR TO GIVE HENRY, McCLALLEN & HENRY PERMISSION TO TRANSPORT THIRTEEN LOADS OF GOODS, PURCHASED PREVIOUS TO THE EMBARGO ACT, OUT OF THIS STATE.

ON THE PETITION of Henry McLellan and Henry [Henry, McClallen & Henry]<sup>1</sup> praying for liberty to transport a quantity of merchandize out of this State:

*Resolved*, That the Board of War be and hereby are impowered to give said Henry McLellan and Henry [Henry, McClallen & Henry]<sup>1</sup> a permission to transport the thirteen loads of goods mentioned in their petition, (which were purchased previous to the passing the embargo act) out of this State, any law to the contrary notwithstanding. [*Passed December 7.*]

Legislative  
Records of the  
Council,  
xl., 167.  
Mass.  
Archives,  
ccxxv., 233.  
Mass.  
Resolves,  
Nov. Session,  
chap. 152.

Mass.  
Archives,  
ccxxv., 234;  
ccxxxv., 57.  
Province  
Laws, v., 1114,  
chap. 13.

## CHAPTER 626.

RESOLVE ALLOWING COL. CHASE, DEPUTY QUARTERMASTER GENERAL, TO SELL A NUMBER OF HORSES (UNFIT FOR SERVICE) BELONGING TO THE UNITED STATES AT PUBLIC VENDUE.

ON THE PETITION of Thomas Chase D.Q.M.G. praying for liberty to sell a number of Horses (which are unfit for service) belonging to the United States, at public Vendue:

*Resolved*, That the said Thomas Chase have leave to sell said Horses at public Vendue, any law of this State to the contrary notwithstanding. [*Passed December 7.*]

Legislative  
Records of the  
Council,  
xl., 168.  
Mass.  
Archives,  
ccxxv., 235.  
Mass.  
Resolves,  
Nov. Session,  
chap. 154.

Mass.  
Archives,  
ccxxv., 236.

## CHAPTER 627.

RESOLVE DIRECTING THE BOARD OF WAR TO SETTLE ALL JUST AND REASONABLE DEMANDS WITH WILLIAM REED, COMMISSARY ON THE PENOBSCOT EXPEDITION.

ON THE PETITION of William Reed, praying the Board of War may by impowered to settle his accounts with him as Commissary on the Penobscot Expedition:

*Resolved*, That the Board of War be and they hereby are directed to settle with the said William Reed for all just and reasonable demands he has against this State, as Commissary on said Expedition. [*Passed December 7.*]

Legislative  
Records of the  
Council,  
xl., 168.  
Mass.  
Archives,  
ccxxv., 249.  
Mass.  
Resolves,  
Nov. Session,  
chap. 147.

Mass.  
Archives,  
ccxxv., 250;  
ccxxxv., 58.  
*Ante*, p. 286,  
chap. 608.

## CHAPTER 628.

VOTE FOR CONTINUING THE TROOPS AT RHODE ISLAND UNTIL THEIR TIME SHALL EXPIRE AND INFORMING GOV. GREEN AS TO SAME.

THE COMMITTEE of both Houses, to whom was referred the letter from Gov. [William]<sup>2</sup> Green, respecting the troops at Rhode-Island, and to report what is proper to be done thereon, report as their

Legislative  
Records of the  
Council,  
xl., 168.  
Mass.  
Archives,  
ccxxv., 237.

<sup>1</sup> Massachusetts Archives, ccxxv., 234.

<sup>2</sup> *Ante*, p. 214, chap. 454.



Mass.  
Resolves,  
Nov. Session,  
chap. 146.

Mass.  
Archives,  
ccxv., 238.

opinion, That the troops be still continued there, until the time for which they were enlisted shall expire, and that a letter be addressed to Gov. Green, informing him thereof.

All which is humbly submitted

EDWARD CUTT per Order.

In Council  
Read and Accepted  
In the House of Representatives  
Read and concurred. [*Passed December 7.*]

## CHAPTER 629.

RESOLVE RECOMMENDING TO COL. CHASE, DEPUTY QUARTER-MASTER GENERAL, THAT HE SUPPLY THE DISTRESSED FAMILIES OF SOLDIERS IN THE BARRACKS AT CHARLESTOWN AND CAMBRIDGE UNTIL THIS COURT SHALL TAKE SOME ORDER.

Legislative  
Records of the  
Council,  
xl., 168.  
Mass.  
Archives,  
ccxv., 239.  
Mass.  
Resolves,  
Nov. Session,  
chap. 153.

Mass.  
Archives,  
ccxv., 240.

ON THE MEMORIAL of Col. [Thomas]<sup>1</sup> Chase, Deputy-Quarter-Master-General, representing to this Court the distressed circumstances that a number of soldiers families are in, that are residing in the barracks in Cambridge or Charlestown, for the want of the necessaries of life:

*Resolved*, That it be and hereby is recommended to the said Quarter-Master to supply the said families with such necessary articles as he shall think they stand in need of, till this Court shall take some order with respect to said families. [*Passed December 7.*]

## CHAPTER 630.

RESOLVE DIRECTING OLIVER PEABODY, ESQ., CLERK, AND THE CONSTABLES THAT ATTENDED THE COMMITTEE TO ENQUIRE INTO THE FAILURE OF THE PENOBSCOT EXPEDITION, TO LAY THEIR ACCOUNTS BEFORE THE COMMITTEE ON ACCOUNTS WHO SHALL ALLOW AND PAY SUCH AS THEY JUDGE REASONABLE.

Legislative  
Records of the  
Council,  
xl., 169.  
Mass.  
Archives,  
ccxv., 241.  
Mass.  
Resolves,  
Nov. Session,  
chap. 149.

*Ante*, p. 149,  
chap. 305.

WHEREAS the Committee that were appointed to enquire into the causes of the failure of the Expedition to Penobscot, were authorized and impowered to appoint a Clerk, and to oblige several of the Constables of the town of Boston to attend said Committee for the purpose of conducting said enquiry with regularity and dispatch. And whereas no allowance has been made to the aforesaid officers for their time and attendance on said Committee: Therefore

*Resolved*, That Oliver Peabody, Esq., who officiated as Clerk to the Committee aforesaid, and the several Constables that attended by the direction of said Committee, be allowed to lay their several accounts of time and attendance before the Committee on accounts for allowance and payment, and the Committee on accounts are hereby impowered to allow and pay such sums as they may judge reasonable for the aforesaid services. [*Passed December 7.*]

<sup>1</sup> *Ante*, p. 293, chap. 626.



CHAPTER 631.

RESOLVE EMPOWERING EDWARD CABOT TO SELL OR REMOVE A BUILDING BELONGING TO HIM ON LAND OF ELIAKIM HUTCHINSON, PROVIDED HE DOES NOT PROCEED UNTIL THE 2<sup>d</sup> WEEK IN APRIL NEXT.

ON THE PETITION of Edward Cabott [Cabot<sup>1</sup> of Boston, ropemaker, that in the year 1766 your Petitioner erected a House on the land belonging to Eliakim Hutchinson commonly called a Long House to carry on his ropemaking business, by leave from said Hutchinson with leave to sell or remove the same]:

*Resolved*, That the prayer of the petition be granted, and that the said Edward Cabott [Cabot] is hereby fully empowered to remove from off the land, or sell the building as it stands, agreeable to his petition, in case he does not proceed to the selling or removing until the 2nd Week in April next. [*Passed December 7.*]

Legislative  
Records of the  
Council,  
xl., 170.  
Mass.  
Archives,  
ccxxv., 245.  
Mass.  
Resolves,  
Nov. Session,  
chap. 150.  
Mass.  
Archives,  
ccxxv., 246.

CHAPTER 632.

RESOLVE RECOMMENDING TO COL. CHASE, CONTINENTAL QUARTERMASTER GENERAL, TO MAKE IMMEDIATE PAYMENT TO THOMAS FILLEBROWN AND OTHERS OF CHARLESTOWN FOR RENT AND DAMAGES BY THE TROOPS OF THE CONVENTION THEREIN QUARTERED, CHARGING THE SAME TO THE CONTINENT OR THE TROOPS OF THE CONVENTION AS THEIR NATURE MAY REQUIRE.

WHEREAS it was thought proper when the troops under Gen. [John]<sup>2</sup> Burgoyne were captured, to quarter them for some time in the barracks at Charlestown, and it being necessary to procure houses other than the barracks for the use of the officers, stores, &c., and this Court did by their Committee engage to the owners of said houses to make good the rent and damage that might arise to said owners, either by their removal, or the damage done to their buildings, &c. And whereas it appears that there is due to sundry persons as follows, viz.

Legislative  
Records of the  
Council,  
xl., 170.  
Mass.  
Archives,  
ccxxv., 242.  
Mass.  
Resolves,  
Nov. Session,  
chap. 145.  
Province  
Laws, xx., 191,  
chap. 494; 195,  
chap. 502.

To Thomas Fillebrown, for rent, one Hundred twenty-seven pounds thirteen Shillings and six Pence, and for charge in removing his family, &c., and for damage done to his fences, &c., eighty Pounds, in the whole two Hundred seven Pounds thirteen Shillings and six Pence,	£207 13 6
To Rebecca Prentice, for rent, one Hundred forty-three Pounds two Shillings, and for damages thirty Pounds, in the whole, one Hundred seventy-three Pounds two Shillings,	£173 2 0
To Peter Tufts, for damage in being obliged to remove his family, all his hay and farming utensils, and damage done lands, fences, &c., six Hundred Pounds,	£600 0 0
To Rebecca Rand, for her expence in removing the family and effects, and for damage done to her house and barn, &c., seventy-eight Pounds nine Shillings,	£78 9 0
To William Hunniwell, for rent of his house for Gen. [James Inglis] <sup>3</sup> Hamilton, and damage done to him in his house, fences, &c., five Hundred two Pounds four Shillings and six Pence,	£502 4 6
To Mary Frost, for rent of her house and barn for stores, sixty-four Pounds ten Shillings, and for damage done to her house, barn, hay, &c., two Hundred ten Pounds fifteen Shillings, in the whole, two Hundred seventy-five Pounds five Shillings,	£275 5 0
To Thomas Brooks, Esq., for rent of his house, one Hundred sixteen Pounds two Shillings,	£116 2 0
To David Wood, Esq., for damage done to his fences and land, one Hundred and Twenty Pounds,	£120 0 0
And to Abraham Watson and Thomas Brooks, Esquires, and Mr. Isaac Mallet, who were mutually chosen by the Committee of the General Court and the sufferers to estimate the rents and damage aforesaid, viz.	

<sup>1</sup> Massachusetts Archives, ccxxv., 246.  
<sup>2</sup> A list of the General and Field Officers in the Army, 1777.  
<sup>3</sup> Burgoyne's Orderly Book, Albany, 1860.



To Abraham Watson, Esq., for three days time and expence in enter- taining the Committee, seventeen Pounds five Shillings,	£17 5 0
To Thomas Brooks, Esq., for three days time in said service, nine Pounds,	£9 0 0
To Mr. Isaac Mallet, for two and half days service in said business, seven Pounds ten Shillings,	£7 10 0

Therefore

*Resolved*, That it be recommended and it is hereby accordingly recommended to Thomas Chase, Esq., Continental Quarter-Master-General in this department, to make immediate payment to the persons above mentioned of the sums respectively affixed to their names, and charge the same to account of the Continent, or the Convention troops, as the nature of the accounts may require. [*Passed December 7.*]

## CHAPTER 633.

Legislative  
Records of the  
Council,  
xl., 171.  
Mass.  
Archives,  
ccxxv., 247.  
Mass.  
Resolves,  
Nov. Session,  
chap. 151.  
Mass.  
Archives,  
ccxxv., 248.  
*Ante*, p. 175,  
chap. 365.

RESOLVE GRANTING £184. 10s. TO THOMAS CUSHING AND NATHANIEL GORHAM, ESQUIRES, FOR TIME AND EXPENSES AS DELEGATES TO THE HARTFORD CONVENTION.

*Resolved*, That there be paid out of the Treasury of this State to the Hon. Thomas Cushing, Esq., and Nathaniel Gorham, Esq., the sum of one Hundred and eighty-four Pounds ten Shillings, in full for the ballance due to them for their time and expences in attending as Commissioners from this State, to meet Commissioners from the other New-England States and the State of New-York, at Hartford. [*Passed December 7.*]

## CHAPTER 634.

VOTE LAYING THE MATTER OF THE ANNEXATION OF PART OF STONEHAM TO READING ON THE TABLE.

Mass.  
Archives,  
cex., 229.  
Mass.  
Archives,  
cex., 225-228.  
*Ante*, p. 140,  
chap. 285.

THE COMMITTEE of both Houses on the Petition of Joseph Bryant and others praying that they with their Estates may be set off from Stoneham and be annexed to the Town of Reading have in obedience to their orders repaired to said Stoneham, first notifying the Selectmen of said Town and the Petitioners of the time, place and occasion of their Meeting, have heard the Selectmen and Petitioners on the subject matter of their Petition, also viewed the whole Town, are clearly of opinion that it would greatly accomodate the Petitioners on many accounts for them with their Estates to be set off from Stoneham and be annexed to Reading, there to do Duty, and receive Priviledges: but as the inevitable consequence of that would be to annihilate the Town of Stoneham and considering that some part of the Town having a great desire to continue their Existence as a Town the Committee report as their opinion that the prayer of the Petition be not granted at this time but that the Petition with the papers accompanying the same lye on the Table for the present.

All which is submitted.

AARON WOOD per Order.

In Council

Read and Accepted

In the House of Representatives

Read and concurred. [*Passed December 7.*<sup>1</sup>]

<sup>1</sup> Adjourned to December 14. — Legislative Records of the Council, xl., 171.



## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TENTH DAY OF NOVEMBER, A.D. 1779 AND  
CONTINUED BY ADJOURNMENT TO THE FOURTEENTH  
DAY OF DECEMBER, FOLLOWING.

### CHAPTER 635.

RESOLVE DIRECTING THE NAVAL OFFICER OF THE PORT OF BOSTON  
TO CLEAR OUT THE SLOOP CHARMING POLLY FOR PHILADELPHIA,  
WITH TEN PIPES OF MADEIRA WINE SHIPPED BY JOHN BRADFORD,  
CONTINENTAL AGENT.

ON THE PETITION of William Erskine, praying that directions  
may be given to [Nathaniel Barber, Esq.],<sup>1</sup> the Naval-Officer for  
the port of Boston to clear out the sloop Charming Polly, with  
ten pipes of Madeira wine, for Philadelphia:

*Resolved*, That the Naval-Officer for the port of Boston be and  
hereby is directed to clear out the sloop Charming Polly for  
Philadelphia, having on board ten pipes of Madeira wine, shipped  
by John Bradford, Esq., Continental Agent, for account of the  
Continent; any embargo to the contrary notwithstanding. [*Passed*  
*December 15.*]

Legislative  
Records of the  
Council,  
xl., 173.  
Mass.  
Archives,  
ccxxv., 251.  
Mass.  
Resolves,  
Dec. Session,  
chap. 2.  
Province  
Laws, v., 1114,  
chap. 13.

### CHAPTER 636.

RESOLVE AUTHORIZING THE JUDGES OF THE MARITIME COURTS TO  
MAKE AND ENTER UP THE DECREES, ETC., OF THE CASES NOW  
PENDING THEREIN, WITHOUT CERTIFICATES FROM THE COM-  
MISSARY OF THE DELIVERY OF THE PRISONERS.

WHEREAS there are sundry maritime causes depending in the  
several Maritime Courts of this State, in which divers vessels  
their cargoes and appurtenances, have been libelled for condem-  
nation as lawful prizes pursuant to the laws of this State, and  
verdicts of juries have been duly returned and recorded finding  
the said vessels, their cargoes and appurtenances, lawful prizes,  
and forfeited to the captors, but the Judges of the several Mari-  
time Courts aforesaid have been precluded from making and  
entering up decrees and judgments pursuant to said verdicts, by  
reason that no certificates from the Commissary of Prisoners of  
the delivery to him of the prisoners taken on board said vessels  
have been produced to the said Judges, when in fact in some of  
those vessels there were no prisoners taken, in others the people  
on board the prize were Americans, and in others the prisoners  
deserted and fled before they could be returned to the Commis-  
sary, and as it is of importance that decrees and judgments should  
be entered and made up pursuant to said verdicts, which cannot  
be done without the interposition of the General Court: Therefore

Legislative  
Records of the  
Council,  
xl., 173.  
Mass.  
Archives,  
ccxxv., 254.  
Mass.  
Resolves,  
Dec. Session,  
chap. 1.

<sup>1</sup> Province Laws, xx., 589, chap. 450.



*Resolved*, That the Judges of the several Maritime Courts within this State be and they hereby are authorized and impowered to make and enter up their decrees and judgments in all Maritime causes circumstanced as aforesaid, which are now pending in the several Courts aforesaid, and in which verdicts of juries have been duly returned and recorded; any law, usage or custom to the contrary notwithstanding. [*Passed December 15.*]

## CHAPTER 637.

RESOLVES CENSURING DANIEL JONES FOR BRINGING HIS DAUGHTER MARY GRACIE INTO THIS STATE WITHOUT PERMISSION BUT ALLOWING HER TO GO TO NEWPORT AND NEW YORK ON PAIN OF IMPRISONMENT IF SHE RETURN WITHOUT SPECIAL LICENSE.

Legislative  
Records of the  
Council,  
xl., 174.  
Mass.

Archives,  
ccxxv., 255.  
Mass.

Resolves,  
Dec. Session,  
chap. 2 [a].

Mass.  
Archives,  
ccxxv., 257-262.

UPON THE PETITION of Daniel Jones, praying that his daughter, Mary Gracie, may have permission to return to her husband at New-York:

*Resolved*, That the conduct of the said Daniel Jones, in bringing his daughter, Mary Gracie, into the State, without first giving notice thereof unto and obtaining the approbation of the supreme authority for the same, is unjustifiable and ought not to be drawn into precedent.

*Resolved*, nevertheless, that the prayer of said petition be granted, and that the said Mary Gracie be and she hereby is permitted to go to Newport, and there (if agreeable to the Government of the State of Rhode-Island) proceed in a flag to New-York. The said Mary Gracie not again to return without special licence from this State, on pain of imprisonment. [*Passed December 16.*]<sup>1</sup>

## CHAPTER 638.

Legislative  
Records of the  
Council,  
xl., 174.  
Mass.

Archives,  
ccxxv., 264.  
Mass.

Resolves,  
Dec. Session,  
chap. 4.

RESOLVE ALLOWING LIEUT. COL. METCALF OF THE 4<sup>TH</sup> REGIMENT IN SUFFOLK COUNTY TO RESIGN.

WHEREAS Lieut. Col. James Metcalf, of the 4th regiment of militia in the county of Suffolk, has asked leave to resign on account of his ill state of health:

*Resolved*, That Lieut. Col. James Metcalf have and he hereby has leave to resign his commission accordingly. [*Passed December 16.*]

## CHAPTER 639.

ORDER FURTHER POSTPONING MATTERS WHICH WERE ASSIGNED TO CERTAIN DAYS AND TIMES OF THIS SESSION TO THE SAME OF THE NEXT SITTING.

Legislative  
Records of the  
Council,  
xl., 175.  
Mass.

Archives,  
ccxxv., 263.  
Mass.

Resolves,  
Dec. Session,  
chap. 3.

WHEREAS from the great urgency of public business, divers matters of a private nature were at the last sitting of the General Court postponed to certain days of the then next sitting of the General Court; and whereas the present urgency of public important business will not permit said matters to be taken up by the House at this present sitting: Therefore

*Ordered*, That all matters which were at the last sitting of the

<sup>1</sup> This date is December 15 according to Legislative Records of the Council and Massachusetts Resolves.



General Court postponed to certain days and times of the then next sitting of the General Court, be further postponed to such days and times of the next sitting of the General Court as were respectively assigned in this sitting for the taking of them up. [*Passed December 16.*]

## CHAPTER 640.

RESOLVES DIRECTING THE TREASURER TO ISSUE HIS EXECUTIONS AGAINST DELINQUENT COLLECTORS OF TAXES, THE SHERIFFS TO MAKE THEIR RETURNS WITHIN THIRTY DAYS AND THE SECRETARY TO PUBLISH THE SAME IN THE BOSTON AND WORCESTER NEWSPAPERS.

WHEREAS the exigencies of Government are such as render it absolutely necessary that the Collectors of taxes should be punctual in their payments of taxes to the Treasurer, at the time when said taxes become due: Therefore

*Resolved*, That the Treasurer of this State be directed and he is hereby accordingly directed to issue his executions against all the Collectors of taxes who shall be deficient in their payments on the 15th day of January next, for any taxes that were payable on or before the 1st day of said January. And it is further

*Resolved*, That the several Sheriffs to whom said executions shall be directed, and who live within forty miles of the Treasurer's Office, shall return their executions, with their doings thereon in fifteen days, and those Sheriffs who live more than forty miles, and less than one hundred miles, shall make the like return in twenty days, and all other Sheriffs shall make the like return in thirty days after the respective dates of said executions. And be it further

*Resolved*, That the Secretary of this State be directed, and he is hereby accordingly directed to cause these resolves to be immediately published in the Boston and Worcester News-Papers, that all persons concerned may be duly notified hereof, that they may govern themselves accordingly. [*Passed December 17.*]

Legislative  
Records of the  
Council,  
xl., 176.  
Mass.  
Archives,  
ccxv., 265.  
Mass.  
Resolves,  
Dec. Session,  
chap. 6.

## CHAPTER 641.

RESOLVE MAKING AN ESTABLISHMENT FOR SEVENTEEN MEN WHO SERVED AS GUARDS UNDER CAPT. RALPH THOMPSON TWENTY-ONE DAYS ADDITIONAL BY DESIRE OF GEN. HANCOCK.

ON A MOTION for certain allowances or gratuities to be granted to seventeen non-commissioned officers and privates, who lately served as guards and fatigue parties on the fortresses in and about Boston, under the command of Capt. Ralph Thompson, who continued in service by desire of the Hon. Gen. [John]<sup>1</sup> Hancock, twenty-one days after the time of their engagement expired: therefore

*Resolved*, That there be allowed and paid out of the public Treasury of this State to each of the above seventeen men, in addition to their former pay and wages, at the rate of twelve Pounds per month, for remaining twenty-one days in service after their time engaged for expired, and said Capt. Thompson is hereby directed to make up his pay-roll accordingly. [*Passed December 17.*]

Legislative  
Records of the  
Council,  
xl., 177.  
Mass.  
Archives,  
ccxv., 267.  
Mass.  
Resolves,  
Dec. Session,  
chap. 8.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vii., 208.



## CHAPTER 642.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY £1,200 WORTH OF CLOTHES SUITABLE FOR THE INDIANS TO GEN. BAILEY WHO IS TO DO HIS UTMOST TO KEEP A GOOD FRIENDSHIP BETWEEN THEM AND THE UNITED STATES AND PREVENT ILL-MINDED PERSONS IMPOSING ON THEM.

Legislative  
Records of the  
Council,  
xl., 177.  
Mass.  
Archives,  
ccxxv., 268.  
Mass.  
Resolves,  
Dec. Session,  
chap. 5.

Mass.  
Archives,  
ccxxv., 269-272.

THE COMMITTEE on the several letters of Gen. Jacob Bailey [at Newbury, Vt.],<sup>1</sup> setting forth the importance of using all proper measures to keep the Indians in that part of the country attached to the interest of this and the other United States of America, and the necessity of there being some cloathing, &c. provided for them, to supply them with, when they return from hunting and bring in their furs, skins, &c. and to prevent said Indians from being imposed upon by ill minded persons purchasing said furs, &c. for rum or other spirituous liquors, to the great damage of said Indians, and likewise will oblige them to go to Canada to get cloathing, and thereby lose their friendship, and oblige them to be enemies to the United States, as by said letters of Gen. Bailey's therein set forth appears: Therefore

*Resolved*, That the Board of War be and hereby are directed to supply Gen. Jacob Bailey with such necessary cloathing as they have now on hand, and will be most suitable for said Indians, to the amount of twelve Hundred Pounds, and that said Gen. Bailey be accountable to this State for the same, and likewise that he use his utmost endeavour to cultivate and keep up a good friendship between said Indians and the United States, and prevent as much as in him lies, their being imposed upon by ill minded persons as aforesaid. [*Passed December 17.*]

## CHAPTER 643.

VOTE FOR APPOINTING DELEGATES TO ATTEND THE CONVENTION TO BE HELD AT PHILADELPHIA IN JANUARY NEXT TO CONSIDER THE LIMITING OF PRICES OF PRODUCE AND MERCHANTIZE AGREEABLE TO THE RECOMMENDATION OF THE HARTFORD CONVENTION AND SUSPENDING ALL FURTHER ACTION UNTIL THE REPORT OF SAME SHALL BE RECEIVED.

Legislative  
Records of the  
Council,  
xl., 178.  
Mass.  
Archives,  
ccxxv., 275.  
Mass.  
Resolves,  
Dec. Session,  
chap. 10.

Mass.  
Archives,  
cxliv., 113-136;  
ccxxv., 276-279.  
*Ante*, p. 165,  
chap. 342,  
p. 175, chap.  
364.

THE COMMITTEE of both houses appointed to consider of the letter from the President of Congress, dated the 22d of November last, together with the resolution accompanying the same, have attended the service, and beg leave to report, That it is expedient for the General Assembly immediately to appoint some suitable persons as Delegates, to represent this State at the Convention to be held at Philadelphia, on the 1st Wednesday of January next, in order to consider of the expediency of limiting the prices of articles of produce and merchandize, agreeable to the recommendation of the Convention, lately held at Hartford, and that all further proceedings with respect to the limitation of the articles above mentioned be suspended until the report of the proceedings of the Convention that may be held at Philadelphia in January next, shall be received by this Court.

all which is Submitted

THOMAS CUSHING per Order.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed December 17.*]

<sup>1</sup> Massachusetts Archives, ccxxv., 272.



## CHAPTER 644.

RESOLVE GRANTING £700 TO ANDREW HENSHAW, ONE OF THE CLERKS OF THE SUPERIOR COURT, FOR HIS TIME AND EXPENSES, THE FEES NOT HAVING BEEN SUFFICIENT FOR HIS EXPENSES.

ON THE MEMORIAL of Andrew Henshaw, one of the Clerks of the Superior Court, setting forth that the fees for some time past has not been sufficient for his expences, as by said memorial and his account of expences more fully appears:

*Resolved*, That there be paid out of the public Treasury of this State to Andrew Henshaw, the sum of Seven Hundred Pounds, which sum being in full for his time and expences, as set forth in his memorial. [*Passed December 17.*]

Legislative  
Records of the  
Council,  
xl., 179.  
Mass.  
Archives,  
ccxxv., 280.  
Mass.  
Resolves,  
Nov. Session,  
chap. 15.

Mass.  
Archives,  
ccxxv., 281-284.

## CHAPTER 645.

RESOLVE DIRECTING THE COMMITTEE ON PAY ROLLS TO PASS THE ROLLS OF THE REGIMENT OF NEW LEVIES UNDER COL. NATHAN TYLER ALTHOUGH THEIR TIME DOES NOT EXPIRE UNTIL JANUARY 1ST.

ON THE PETITION of Nathan Tyler, Esq., commanding a regiment of New-Levies in the State of Rhode-Island, raised agreeable to the resolves of the 8th and 21st of June last, praying that the State wages for said regiment may be paid to him, agreeable to the rolls made up for said wages, and now in the hands of the Committee on pay-rolls, for reasons assigned in said petition:

*Resolved*, That the prayer of the said petition be granted, and that the Committee on pay-rolls be and they hereby are directed to pass said rolls provided they are agreeable to said resolves, notwithstanding the time said regiment engaged for doth not expire until the 1st day of January next, and that the Honorable Council be requested to issue warrants on the Treasurer of this State for the payment of the rolls aforesaid, said Tyler being accountable for the same. [*Passed December 17.*]

Legislative  
Records of the  
Council,  
xl., 179.  
Mass.  
Archives,  
ccxxv., 286.  
Mass.  
Resolves,  
Dec. Session,  
chap. 9.

Mass.  
Archives,  
ccxxv., 287.  
*Ante*, p. 33,  
chap. 66; p. 76,  
chap. 140.

## CHAPTER 646.

RESOLVE DIRECTING THE COMMITTEE TO METHODIZE AND STATE ACCOUNTS TO CALL UPON THOSE WHO HAVE RECEIVED PUBLIC MONEYS AND STORES FOR SETTLEMENT.

*Resolved*, That the Committee appointed to methodize and state the public accounts and to call upon all those persons who have received public monies and stores (and who have not yet accounted for the same) be and hereby are directed immediately to write to each particular person who has received monies and stores as aforesaid, and call upon them to settle their accounts forthwith, and to require each person to pay his respective ballance in money, in those cases where public money was received, and in stores of the same species, in those cases where public stores were drawn and no sufficient and satisfactory evidence can be given that they were applied to and expended in the public service. [*Passed December 17.*]

Legislative  
Records of the  
Council,  
xl., 180.  
Mass.  
Archives,  
ccxxv., 288.  
Mass.  
Resolves,  
Dec. Session,  
chap. 7.



## CHAPTER 647.

RESOLVE PERMITTING FRANCISCO IGNATIO UREZ BARROETTE TO SELL AT PUBLIC AUCTION ONE-HALF OF THE CARGO OF THE SHIP VICTORIA, CONSISTING OF RICE, TOBACCO, PITCH, TURPENTINE, INDIGO, STAVES AND SPARS.

Legislative  
Records of the  
Council,  
xl., 178.  
Mass.  
Archives,  
ccxxv., 289.  
Mass.  
Resolves,  
Dec. Session,  
chap. 12.

Mass.  
Archives,  
ccxxv., 290.

ON THE PETITION of Francisco Ignatio Urez Barroette, praying for liberty to make sale at public auction of one half of [the cargo of]<sup>1</sup> the ship Victory [Victoria]<sup>1</sup>:

*Resolved*, That the prayer of the petition be granted, and that the said Francisco Ignatio Urez Barroette be and hereby is permitted to sell at public auction one-half of his cargo consisting of Rice, Tobacco, Pitch, Turpentine, Indigo, Staves and Spars; any law of this State to the contrary notwithstanding. [*Passed December 18.*<sup>2</sup>

## CHAPTER 648.

Legislative  
Records of the  
Council,  
xl., 179.  
Mass.  
Archives,  
ccxxv., 293.  
Mass.  
Resolves,  
Dec. Session,  
chap. 11.

Mass.  
Archives,  
ccxxv., 294.

RESOLVE PERMITTING MESSIEURS MILLER & TRACY, ASSISTANT COMMISSARIES OF PURCHASES, TO SELL TALLOW BELONGING TO THE UNITED STATES AT PUBLIC AUCTION.

ON THE PETITION of Messieurs [Charles]<sup>3</sup> Miller and [Jared]<sup>3</sup> Tracy [A. C. P.],<sup>4</sup> praying for liberty to sell at public auction a quantity of Tallow, the property of the United States:

*Resolved*, That the prayer of the petition be granted, and that the said Miller and Tracy be and they hereby are empowered to make sale of said Tallow at public auction, any law of this State to the contrary notwithstanding. [*Passed December 18.*<sup>2</sup>

## CHAPTER 649.

Legislative  
Records of the  
Council,  
xl., 180.  
Mass.  
Archives,  
ccxxv., 296.  
Mass.  
Resolves,  
Dec. Session,  
chap. 14.

RESOLVE ADVANCING £200 EACH TO THOMAS FLEET AND JOHN GILL TO PROCURE PAPER FOR PRINTING THE RESOLVES OF COURT AND JOURNALS OF THE HOUSE.

*Resolved*, That there be advanced and paid out of the public Treasury to Messieurs Thomas Fleet and John Gill the sum of Two Hundred Pounds each, to enable them to procure paper whereon to print the Resolves of Court and Journals of the House; they to be respectively accountable for the same. [*Passed December 18.*

## CHAPTER 650.

Legislative  
Records of the  
Council,  
xl., 182.  
Mass.  
Archives,  
ccxxv., 297.  
Mass.  
Resolves,  
Dec. Session,  
chap. 13.

RESOLVE PERMITTING STEPHEN CROSS TO SHIP TWO MASTS TO THE FRENCH WEST INDIES, GIVING BOND FOR THEIR LANDING.

ON THE PETITION of Stephen Cross, praying for leave to ship two masts he has now by him to the French West Indies:

*Resolved*, That Stephen Cross have liberty to ship the two masts mentioned in his petition to the French West-Indies, any law of

<sup>1</sup> Massachusetts Archives, ccxxv., 290.

<sup>2</sup> This date is same in Massachusetts Resolves, but December 17 according to Legislative Records of the Council.

<sup>3</sup> Province Laws, xx., 302, chap. 807.

<sup>4</sup> Massachusetts Archives, ccxxv., 294.



this State to the contrary notwithstanding; said Cross giving bond to [Nathaniel Barber, Esq.,]<sup>1</sup> the Naval-Officer to land them in some Island in the West-Indies belonging to his Most Christian Majesty. [*Passed December 18.*]

Mass.  
Archives,  
ccxxv., 298.  
Province  
Laws, v., 1114,  
chap. 13.

## CHAPTER 651.

RESOLVES DESIRING OLIVER PEABODY, ONE OF THE CLERKS OF THE SUPERIOR COURT, TO HAVE THE OFFICE REPAIRED, TO RECORD ALL UNRECORDED PAPERS, AND ADVANCING HIM £60 TO PROCURE COAL OR FIRING TO ENABLE THE RECORDING TO BE DONE.

ON A REPRESENTATION made by the Honorable Justices of the Superior Court, and also a memorial of Oliver Peabody, one of the clerks of said Court, setting forth, that the office wherein the records of said Court is kept, is much out of repair, whereby said office is not at present fit for said purpose, and also that there is almost all the papers since the year 1774 have not been recorded, which if not done, will much endanger the inhabitants of this State, as set forth in said memorial: Therefore

*Resolved*, That the said Oliver Peabody be desired to procure a workman to repair said Superior Court's office, and also proceed to put the papers not recorded on record that are on file, and lay his account from time to time before the committee on accounts for allowance. And be it further

*Resolved*, That there be paid out of the public Treasury of this State the Sum of sixty Pounds, to procure coal or firing, to enable the said Oliver Peabody to go on in recording the papers on file aforesaid. [*Passed December 20.*]

Legislative  
Records of the  
Council,  
xl., 182.  
Mass.  
Archives,  
ccxxv., 299.  
Mass.  
Resolves,  
Dec. Session,  
chap. 17.

Mass.  
Archives,  
ccxxv., 301-303.

## CHAPTER 652.

RESOLVE GRANTING £212 TO RICHARD HOPPING, A SEAMAN, WOUNDED IN THE LATE EXPEDITION TO PENOBSCOT.

In the House of Representatives

The Committee appointed to examine the accounts of Richard Hopping, who was wounded on board the armed ship Vengeance, in the late expedition to Penobscot, have attended that service, and beg leave to report by way of Resolve:

*Resolved*, That there be allowed and paid out of the Treasury of this State to Richard Hopping, a wounded seaman in the service of this State in the late expedition to Penobscot, the sum of Two Hundred and twelve Pounds, in full, to enable him to pay the charge arising in consequence of his wound.

In Council.

Read and Concurred. [*Passed December 20.*]

Legislative  
Records of the  
Council,  
xl., 183.  
Mass.  
Archives,  
ccxxv., 304.  
Mass.  
Resolves,  
Dec. Session,  
chap. 18.

Mass.  
Archives,  
ccxxv., 305-306a.

<sup>1</sup> Province Laws, xx., 589, chap. 450.



## CHAPTER 653.

RESOLVE DIRECTING THE COMMITTEE ON ACCOUNTS TO MAKE UP A ROLL OF THE SUMS DUE EACH TOWN AND PLANTATION FOR SUPPLIES FURNISHED FAMILIES OF CONTINENTAL SOLDIERS, INCLUDING THE SERVICES OF SELECTMEN AND COMMITTEES, AND LODGE A COPY WITH THE TREASURER.

Legislative  
Records of the  
Council,  
xl., 183.  
Mass.  
Archives,  
ccxxv., 307.  
Mass.  
Resolves,  
Dec. Session,  
chap. 16.

*Ante*, p. 35,  
chap. 67;  
p. 222, chap.  
470.

WHEREAS by the Resolves of this Court of the 8th of June and 8th of October last, it was ordered, that the Selectmen and Committees of the several towns and plantations in this State should lay before the Committee on Accounts, their accounts of supplies for the families of the Continental soldiers, for examination and allowance: Therefore

*Resolved*, That the Committee on Accounts be directed to make up a roll of the sums due to each town and plantation for the supplies aforesaid, including the services of the Selectmen and Committees, and lodge a copy thereof with the Treasurer of this State as soon as may be, that said accounts may be paid agreeable to the directions in the last tax-bill. [*Passed December 20.*]

## CHAPTER 654.

RESOLVE DIRECTING THE BOARD OF WAR TO FURNISH JAMES HASKELL WITH ONE FIREARM AND BAYONET FOR SAME LOST ON THE RETREAT FROM RHODE ISLAND.

Legislative  
Records of the  
Council,  
xl., 184.  
Mass.  
Archives,  
ccxxv., 308.  
Mass.  
Resolves,  
Dec. Session,  
chap. 25.

Mass.  
Archives,  
ccxxv., 309;  
ccclxxxv., 59.

ON THE PETITION of James Haskell, praying for allowance for his fire-arm and bayonet, which was lost on the retreat from Rhode Island:

*Resolved*, That the prayer of the petition be granted, and that the Board of War be and they are hereby directed to furnish James Haskell with one fire-arm and bayonet, which shall be in full for his fire-arm lost on said retreat. [*Passed December 21.*]

## CHAPTER 655.

RESOLVES ALLOWING GEORGE PERKINS, WILLIAM O'BRIAN, ROBERT EARL, JOHN FOSTER AND THOMAS CRAIGE, BRITISH TROOPS OF THE CONVENTION, TO RESIDE IN THIS STATE AND REQUESTING THE COUNCIL TO ALLOW THOSE OF THE GERMAN TROOPS THE SAME PRIVILEGE.

Legislative  
Records of the  
Council,  
xl., 184.  
Mass.  
Archives,  
ccxxv., 310.  
Mass.  
Resolves,  
Dec. Session,  
chap. 20.

Mass.  
Archives,  
ccxxv., 313-315.

UPON THE PETITION of George Perkins, William O'Brian, Robert Earl, John Foster and Thomas Craige, British troops, of the convention of Saratoga, that they have voluntarily left the corps, to which they belonged, and are married in this State, and here reside, they have taken the Oath of Allegiance and Fidelity to the United States, and have paid their taxes, and done their part for the support of the war; they pray that they may be allowed to reside in this State with their families, and not taken up and carried to the corps from which they deserted, as set forth in their several Petitions: Therefore

*Resolved*, That the said George Perkins and William O'Brian, who have produced certificates from the Selectmen of the town where they reside, that they appear attached to the government of this State, and bid fair to be useful members of society, have liberty to reside in this State during the Courts pleasure; that



the other petitioners, viz. Robert Earl, John Foster and Thomas Craige, by producing such a certificate have liberty to reside in the State and towns where they now dwell, till otherwise ordered.

And as divers German troops have been impressed into the service of the British king and sent into this country, contrary to their inclinations and in violation of the rights of humanity, to carry on this unnatural war against these States, and as every Nation has a right to weaken the armies of the Power with which it is at war: It is therefore further

*Resolved*, That the Major Part of the Council be and they hereby are requested, upon application to them made by any person or persons who made a part of the German troops in the pay and service of the British king, employed in the American war, and who have left the service of the said king and have resided within this State for the space of three months, and producing a certificate from the Selectmen of the town or towns within this State where they have so resided, that he or they have behaved orderly and peaceably, and are likely to make good inhabitants, to permit such German or Germans to reside within this State, until further Order from the General Court or the Council, and to prohibit them from being carried out of this State or imprisoned within the same; provided the said German or Germans shall take the oath of fidelity and allegiance to this State, before some one Justice of the Peace within this State, who is hereby authorized and empowered to administer the same, after the Major Part of the Council have granted such permit as aforesaid, and not otherwise. [*Passed December 21.*]

## CHAPTER 656.

RESOLVE DIRECTING THE JUDGE OF PROBATE OF SUFFOLK COUNTY TO DISMISS LEVI JENNINGS, AGENT ON THE ESTATE OF DR. HENRY CANER, LATE OF BOSTON, ABSENTEE, FOR REFUSAL TO LEASE OUT SAID ESTATE, AND TO APPOINT SOME SUITABLE PERSON IN HIS PLACE.

THE COMMITTEE appointed to consider what is proper to be done with the estate of Doct. Henry Canner [Caner],<sup>1</sup> late of Boston, an Absentee, have attended that service and beg leave to report the following Resolve:

Whereas it appears to this Court that Mr. Levi Jennings, who was appointed Agent on the estate of Doctor Henry Canner [Caner],<sup>1</sup> late of Boston, an Absentee, has disregarded the authority of this State, in refusing or neglecting to advertise and lease out at public auction the real estate of said Absentee, agreeable to a Resolve of the General Court passed the 17th of February last; and whereas the said Jennings looks upon himself as heir to the said Absentee's estate, which renders him an improper person to act as Agent thereon: Therefore

*Resolved*, That the Judge of Probate for the county of Suffolk be and he is hereby directed immediately to make out his decree, directed to the said Levi Jennings, dismissing him the said Jennings from acting any further as Agent on said estate, and to require him forthwith to make up with the said Judge his account of his agency on said estate. And the said Judge is hereby further directed to appoint some suitable person to be Agent on said estate, upon his giving bonds, with sufficient sureties, as the law directs. And the said Jennings is hereby directed, required and strictly enjoined, immediately upon the appointment of such new

Legislative  
Records of the  
Council,  
xl., 186.  
Mass.  
Archives,  
ccxxv., 316.  
Mass.  
Resolves,  
Dec. Session,  
chap. 21.

Province  
Laws, xx., 620,  
chap. 532.

<sup>1</sup> Winsor, Memorial History of Boston, 1881, ii., 240.



Agent, to deliver up to him the possession of all the estate of the said Canner [Caner],<sup>1</sup> both real and personal, which hath come to his the said Jennings's hands, and also to deliver up to the said new Agent all accounts and papers relative to said estate, which said Jennings has in his possession.

In the House of Representatives

Read and Accepted

In Council

Read and Concurred. [*Passed December 21.*]

## CHAPTER 657.

RESOLVE DIRECTING COL. ROSSITER, OF THE 3<sup>RD</sup> REGIMENT IN BERKSHIRE COUNTY, TO APPOINT A SECOND LIEUTENANT IN CAPT. AMBROSE HILL'S COMPANY, ALTHOUGH ROBERT KASSON HAS BEEN REPEATEDLY CHOSEN BY SAID COMPANY.

THE COMMITTEE of both Houses appointed to consider Col. Rossiter's letter have attended the service assigned them, and beg leave to report the following Resolve:

ARTEMAS WARD per Order

Whereas it appears to this Court that the military company under the command of Ambrose Hill, in Col. David Rossiter's regiment, in the county of Berkshire, have conducted in a very unjustifiable manner, in repeatedly choosing Robert Kasson Second Lieutenant in said company, after the Council of this State had refused to commissionate him to that office, on account of his being charged of corrupt practices: Therefore

*Resolved*, That David Rossiter, Esq., Colonel of the 3<sup>rd</sup> Regiment of Militia in the County of Berkshire, be and he hereby is directed to appoint some suitable person as a Second Lieutenant in the company whereof Ambrose Hill is Captain, and recommend him to the Major Part of the Council to be commissioned, and they hereby are impowered and requested to commission him accordingly; any law, usage or custom to the contrary notwithstanding.

In Council Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed December 22.*]<sup>2</sup>

## CHAPTER 658.

RESOLVE PERMITTING ISAAC SEARS AND PASCHAL N. SMITH TO TRANSPORT TWELVE PIECES OF RUSSIA DUCK TO CONNECTICUT.

ON THE PETITION of Isaac Sears and Paschal N. Smith, praying they may be permitted to transport by land, twelve pieces of Russia-Duck out of this State into Connecticut:

*Resolved*, That the prayer of said petition be granted, and the said Isaac Sears and Paschal N. Smith be and they hereby are permitted to transport out of this State, into Connecticut, twelve pieces of Russia-Duck, for the purposes set forth in their petition, the late prohibitory act to the contrary notwithstanding. [*Passed December 22.*]<sup>2</sup>

<sup>1</sup> Winsor, *Memorial History of Boston*, 1881, ii., 240.

<sup>2</sup> This date is same in Massachusetts Resolves, but is December 21 according to Legislative Records of the Council.

Legislative  
Records of the  
Council,  
xl., 186.  
Mass.  
Archives,  
cxxx., 323.  
Mass.  
Resolves,  
Dec. Session,  
chap. 23.

Mass.  
Archives,  
cxxxv., 325.

Legislative  
Records of the  
Council,  
xl., 187.  
Mass.  
Archives,  
cxxxv., 322.  
Mass.  
Resolves,  
Dec. Session,  
chap. 26.

Mass.  
Archives,  
cxxxv., 321.  
Province  
Laws, v., 1114,  
chap. 13.



## CHAPTER 659.

VOTE INSTRUCTING ELBRIDGE GERRY AND SAMUEL OSGOOD, ESQUIRES, COMMISSIONERS TO THE CONVENTION AT PHILADELPHIA IN JANUARY NEXT TO CONSIDER THE LIMITING OF PRICES OF PRODUCE AND MERCHANDIZE.

To the Hon. ELBRIDGE GERRY, Esq., and SAMUEL OSGOOD, Esq.

GENTLEMEN,

The General Assembly having appointed you Commissioners to represent this State at the Convention to be held at Philadelphia, on the 1st Wednesday of January next; you are hereby authorized and empowered to meet at the time and place before mentioned such Commissioners as may be appointed by other United States, and to confer and consult with them upon the expediency of limiting the prices of articles of produce and merchandize.

In your deliberations upon this important subject, you will duly consider on the one side the advantages that it has been suggested will accrue from such a measure among others, that it will tend to give stability to our currency, prevent that inequality and injustice in private dealings, as well as in furnishing the public supplies from the several States, which have arisen from the fluctuating state of prices, and that it will render it practicable for Congress and the several States to make the proper estimates for their future expences, and to fix adequate salaries upon those who are in the public service; these are important objects, and ought to be attended to. On the other side, you will duly advert to the many objections that have been made to such a plan, and the many difficulties that will attend the execution of it; for in case such a measure should be attempted and fail in the execution, you must be sensible it will be attended with many pernicious consequences, it will greatly weaken the bonds of government, as well as throw us into the greatest embarrassment, and will have a fatal tendency further to depreciate our currency. Among many other objections and difficulties that might be mentioned, and which will naturally occur to your minds in the discussion of this subject, it may be well to consider whether it has not been found that a limitation of prices, instead of appreciating or giving stability to our money has not rendered it in a manner useless, has not shut up our granaries, discouraged husbandry and commerce, and starved our Sea-Ports, in short, whether it has not created such a stagnation of business and such a withholding of articles as has obliged the people to give up the measure or submit to starving: Whether from these repeated trials and failures, that confidence, (which is so absolutely necessary in case of a limitation) is not so far lost between the States and the members of each State that this alone must prevent the execution of such a measure, as each person will be waiting to see his neighbours compliance, in the mean time withholding every supply from his friend and his country; whether it has not thrown the honest and conscientious part of the community into the hands of Sharpers, Monopolizers and Extortioners, and while it has operated as a restraint upon the former to their great loss and damage, it has not afforded an opportunity to the latter, whose only principle is that of Gain, by their cunning and deceit to aggrandize and enrich themselves, to the no small detriment of their Country: You will also consider whether it is possible to carry an act for this purpose into execution in the method prescribed by Congress, when upon trial, it will be found, that by the method they propose the prices of labour and produce will be reduced more than two

Legislative  
Records of the  
Council,  
xl., 187.  
Mass.  
Archives,  
xlv., 115-120  
Mass.  
Resolves.  
Dec. Session,  
chap. 22.

Mass.  
Archives,  
xlv., 113.  
Legislative  
Records of the  
Council,  
xl., 181.  
*Ante*, p. 300,  
chap. 643.



thirds, while the articles of foreign produce will be reduced but a trifle, if any thing at all; can it be supposed the people in general will submit to it? For however reasonable it may appear to men of candour and discernment, and those who will thoroughly examine into the causes of it, yet the bulk of the people will apprehend they are imposed upon, and it will be extremely difficult, if possible, to convince them to the contrary: You will further consider whether if such a limitation should take place, and could be effectually carried into execution, it would not be the means of disappointing Congress of such supplies of money as they depend upon from the late recommendations for taxation, and thereby oblige them to that measure which they are so very solicitous to avoid, viz. The making further emissions to defray the public expences; for is it to be supposed that the people in general would submit to such a large reduction of the prices of their produce, and at the same time submit to such large taxes as the requisitions from Congress now demand? We trust you will give these objections, as well as every thing else that may be offered pro and con upon this interesting matter in convention, their due weight, and after all, we leave it with you to act according to your best judgment and discretion, and in case you should, after mature and thorough consideration judge the measure to be expedient and practicable, and find that it is highly probable it will be adopted by all the rest of the United States, you will then proceed upon the business and make report of your proceedings to this Court, that they may take such order thereupon, as they shall then judge will best promote the public weal. [*Passed December 22.*<sup>1</sup>]

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## CHAPTER 660.

Legislative  
Records of the  
Council,  
xl., 189.  
Mass.  
Archives,  
ccxv., 327.  
Mass.  
Resolves,  
Dec. Session,  
chap. 24.  
*Supra*,  
chap. 659.

RESOLVE ADVANCING £2,000 TO SAMUEL OSGOOD, ESQ., COMMISSIONER TO THE CONVENTION AT PHILADELPHIA.

*Resolved*, That there be allowed and paid out of the public Treasury to Samuel Osgood, Esq., (who is chosen a Commissioner to repair to Philadelphia, to meet Commissioners from the other States) the sum of Two Thousand Pounds; he to be accountable for the expenditure of the same; and that he keep an exact account of his time and expences, and lay the same before this Court for allowance and payment. [*Passed December 22.*]

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## CHAPTER 661.

Legislative  
Records of the  
Council,  
xl., 190.  
Mass.  
Archives,  
ccxv., 328.  
Mass.  
Resolves,  
Dec. Session,  
chap. 27.  
Mass.  
Archives,  
ccxv., 329.  
Province  
Laws, v., 1114,  
chap. 13.

RESOLVE PERMITTING AARON LOPEZ TO TRANSPORT SUNDRY MERCHANDISE FOR THE USE OF THE CONTINENTAL ARMY OUT OF THIS STATE.

ON THE PETITION of Aaron Lopez, praying he may be permitted to transport out of this State sundry merchandize he has purchased in the Town of Boston, by order of John Wiley, Esq., for the use of the Continental army:

*Resolved*, That the said Aaron Lopez be and hereby is permitted to transport out of this State the merchandize aforesaid, the embargo notwithstanding. [*Passed December 22.*]

<sup>1</sup> This date is same in Massachusetts Resolves, but is December 21 according to Legislative Records of the Council.



## CHAPTER 662.

RESOLVE GRANTING £100 PER YEAR TO JOHN BROCK TO SUPPORT HIM IN HIS ADVANCED AGE.

ON THE PETITION of John Phillips, in behalf of John Brock, praying for a further allowance for the support of said Brock, in his advanced age:

*Resolved*, That there be allowed and paid out of the public Treasury of this State One Hundred Pounds per annum to the said John Brock, in order to support him in his advanced age. Said pay to commence the 20th day of December 1778, and to continue till the further order of the General Court. [*Passed December 22.*]

Legislative  
Records of the  
Council,  
xl., 190.  
Mass.  
Archives,  
ccxv., 330.  
Mass.  
Resolves,  
Dec. Session,  
chap. 28.  
Mass.  
Archives,  
ccxv., 331.  
Province  
Laws, xx.,  
242, chap. 622.

## CHAPTER 663.

RESOLVE PERMITTING MARY GRACIE TO RETURN TO NEW YORK BY WAY OF KINGS BRIDGE WITH PERMISSION OF THE COMMANDING OFFICER OF THE CONTINENTAL FORCES IN THAT DEPARTMENT.

ON THE PETITION of Daniel Jones, in behalf of his daughter Mary Grace [Gracie],<sup>1</sup> praying that she may have liberty to return to New-York by the lines at Kings-Bridge:

*Resolved*, That the said Mary Grace [Gracie]<sup>1</sup> have liberty to return to New-York by the lines at Kings-Bridge; provided she obtains permission from the commanding Officer of the Continental forces in that department, and that she shall not return to this State again without leave first obtained from the General Court. [*Passed December 22.*]

Legislative  
Records of the  
Council,  
xl., 190.  
Mass.  
Archives,  
ccxv., 332.  
Mass.  
Resolves,  
Dec. Session,  
chap. 30.  
Mass.  
Archives,  
ccxv., 333.  
*Ante*, p. 298,  
chap. 637.

## CHAPTER 664.

RESOLVES DISCHARGING THE COMMITTEE TO CONCUR AND PAY ACCOUNTS OF £50,000 AND CREDITING THEM WITH £1,152. 19s. 1d. 1F. DUE THEM, INCLUDING A BALANCE OF £343. 6s. 0d. 1F.

*Resolved*, That the Committee of Council, chosen to receive, examine and pay accounts, agreeable to a Resolve of the General Court of the 28th of May, 1779, viz. Jabez Fisher, Benjamin White, and Daniel Davis, Esquires, be and they hereby are discharged of the sum of Fifty Thousand Pounds, which they have received by warrants on the treasury, from September 8th to November 15th last inclusive. And it is further

*Resolved*, That said Committee be and they hereby are credited for the sum of Eleven Hundred and fifty-two Pounds, nineteen Shillings and one Penny farthing, which is due to them, including a ballance of Three Hundred forty-three Pounds six Shillings and one Farthing, as will appear by the report of the Committee for stating accounts. [*Passed December 22.*]

Legislative  
Records of the  
Council,  
xl., 190.  
Mass.  
Archives,  
ccxv., 335.  
Mass.  
Resolves,  
Dec. Session,  
chap. 29.  
Mass.  
Archives,  
ccxv., 334.  
*Ante*, p. 9,  
chap. 6.

<sup>1</sup> Massachusetts Archives, ccxv., 333.



## CHAPTER 665.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER TO WILLIAM HARRIS AND JOHN DALL, CLERKS TO THE COUNCIL, SHOES, STOCKINGS AND LINEN AT THE USUAL PRICES.

Legislative  
Records of the  
Council,  
xl., 191.  
Mass.  
Archives,  
ccxxv., 336.  
Mass.  
Resolves,  
Dec. Session,  
chap. 31.  
Mass.  
Archives,  
ccxxv., 337.

ON THE PETITION of William Harris and John Dall, praying that they may be allowed several articles of cloathing out of the State store:

*Resolved*, That the Board of War be and they hereby are directed to deliver to said Harris and Dall (Clerks to the Honorable Council) one pair of shoes, two pair of stockings, and half a piece of linen each, they paying the regulated price for said articles. [*Passed December 22.*]

## CHAPTER 666.

RESOLVE DIRECTING THE ATTORNEY-GENERAL TO NOL PROS THE CHARGE AGAINST AARON LOPEZ OF LEICESTER, MERCHANT, FOR VENDING £12,000 WORTH OF GOODS IN BOSTON IN VIOLATION OF "AN ACT AGAINST MONOPOLY AND OPPRESSION."

Legislative  
Records of the  
Council,  
xl., 183.  
Mass.  
Archives,  
ccxxv., 341.  
Mass.  
Resolves,  
Dec. Session,  
chap. 19.  
Mass.  
Archives,  
ccxxv., 339.  
Province  
Laws, v., 583,  
chap. 14.

ON THE PETITION of Aaron Lopez, of Leicester, in the county of Worcester, merchant, setting forth, that he was apprehended as a transgressor of an act, intituled "An act against monopoly and oppression," for vending in the town of Boston goods to the amount of Twelve Thousand Pounds, which he had before purchased there, that not being the place of his residence, and farther setting forth his entire ignorance of the aforesaid act, and the peculiar hardship of his case in being subject to the penalties of the aforesaid act, as is fully set forth in said petition:

*Resolved*, That the prayer of said petition be granted, and that the said Lopez be discharged from being further prosecuted, by reason of the abovementioned breach of the aforesaid act, and that [Robert Treat Paine, Esq.,]<sup>1</sup> the Attorney-General be directed to enter his *noli prosequi* accordingly; the said Aaron Lopez paying the prosecutor the costs and charges of prosecution. [*Passed December 23.*]<sup>2</sup>

## CHAPTER 667.

RESOLVE DIRECTING THE BOARD OF WAR TO REPLACE ONE ELEGANT SILVER MOUNTED HANGER, THREE RUFFLED SHIRTS, ETC., LOST BY LIEUT. EDWARD PHELON IN THE BATTLE AT RHODE ISLAND IN 1778.

Legislative  
Records of the  
Council,  
xl., 193.  
Mass.  
Resolves,  
Dec. Session,  
chap. 36.  
Mass.  
Archives,  
cxlvi., 481;  
ccxxv., 343-346.

ON THE PETITION of Edward Phelon [Lieutenant in Col. Henry Jackson's Corps, Massachusetts Line],<sup>3</sup> praying that the loss he met with in the battle at the State of Rhode-Island, in the year 1778, may be made up to him as mentioned in the petition:

And whereas it is represented that the petitioner Edward Phelon is an officer of singular merit, as well as a great sufferer in the military service:

*Resolved*, That the Board of War be and hereby are directed to replace the several articles hereafter mentioned to the petitioner,

<sup>1</sup> Province Laws, xx., 587, chap. 445.

<sup>2</sup> This date is December 20 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>3</sup> Massachusetts Archives, ccxxv., 346.



viz. One elegant silver mounted Hanger, three ruffled Shirts, one pair of Shoes, one pair white cotton Stockings, one lambskin great Coat, one buff Jacket, and one pair of Breeches of the same sort, and two cambrick Stocks, in full of his loss. [*Passed December 23.*]

## CHAPTER 668.

RESOLVE DIRECTING THE COMMANDING OFFICER OF THE CASTLE TO PURCHASE OR TAKE A CARGO OF WOOD, CASTLE AND GOVERNOR'S ISLAND BEING DESTITUTE OF SAME.

IT BEING REPRESENTED to this Court that the garrison of Castle and Governor's Island are destitute of wood: Therefore

*Resolved*, That the Commanding Officer of said Island be and he hereby is impowered and directed to purchase, on the best terms he can, any cargo of wood that may be for sale in the harbour of Boston; and in case there is no such cargo for sale, the said Officer is impowered and directed to stop and take the first cargo which may be passing said Island, which is not before absolutely sold, and give his receipt for the quantity and price of the wood he may receive; and the Honorable Council are hereby requested to grant their warrant on the Treasurer for the payment of the same. [*Passed December 23.*]

Legislative  
Records of the  
Council,  
xl., 194.  
Mass.  
Archives,  
ccxxv., 348.  
Mass.  
Resolves,  
Dec. Session,  
chap. 33.

## CHAPTER 669.

RESOLVE CONTINUING DAVID JEFFRIES AND JOHN SCOLLAY, ESQUIRES, TO COUNTERSIGN THE REMAINDER OF THE GOVERNMENT SECURITIES, JOHN MASCARENE, ESQ., HAVING DIED.

WHEREAS, by the death of John Mascarene, Esq., who was appointed with David Jeffries and John Scollay, Esquires, a Committee to countersign Government Securities, the Treasurer is prevented from issuing said Securities: Therefore

*Resolved*, That David Jeffries and John Scollay, Esquires, continue to countersign the remainder of said securities, which shall be authentic, the act providing three for that purpose notwithstanding. [*Passed December 23.*]

Legislative  
Records of the  
Council,  
xl., 194.  
Mass.  
Archives,  
ccxxv., 350.  
Mass.  
Resolves,  
Dec. Session,  
chap. 37.

*Ante*, p. 93,  
chap. 180.  
Province  
Laws, v. 964,  
chap. 46.

## CHAPTER 670.

RESOLVE APPOINTING A RECESS COMMITTEE TO CONSIDER THE DISPUTE BETWEEN THE TOWNS OF WILMINGTON, CHELMSFORD, DRACUT AND TEWKSBURY AS TO QUOTA FOR CONTINENTAL ARMY AND REPEALING THE RESOLVE OF NOVEMBER 16TH RELATING TO IT.

In the House of Representatives

On the petition of Ezra Kendall and Jonathan Brown, Agents for the Town of Tewksbury, praying this Court to relieve the Town, respecting four men, which they had provided for their quota of the Continental army; which men are challenged and returned for the Towns of Wilmington, Chelmsford and Dracut, and said Town of Tewksbury was not notified to appear before the Committee appointed by the General Court for the purpose of settling disputes between the several Towns; in consequence of which they could not make it appear that the aforesaid four men

Legislative  
Records of the  
Council,  
xl., 195.  
Mass.  
Archives,  
ccxxv., 353.  
Mass.  
Resolves,  
Dec. Session,  
chap. 34.  
Mass.  
Archives,  
ccxxv., 351, 354.



did of right belong and ought to be set to the credit of the Town of Tewksbury: Therefore

*Resolved*, That a Committee of this House be appointed to sit in the recess of this Court, and are impowered to enquire into and settle this affair, and that said Committee notify the several Towns of Wilmington, Chelmsford, Dracut and Tewksbury, to meet at the house of Oliver Barron, of Chelmsford, on the 11th day of January next; that the expence of settling said affair be borne by the four Towns aforesaid, and that said Committee report their doings to this Court the next session.

The Committee appointed, agreeable to the foregoing Report, were William Stickney, Esq., James Prescott, Esq., and Col. Josiah Whitney. And that the Resolve relating to the affair aforesaid, passed the 16th of November last, is hereby repealed.<sup>1</sup>

In Council

Read and Concurred. [*Passed December 23.*]

## CHAPTER 671.

RESOLVE DIRECTING CAPTAINS DANIEL SULLIVAN AND JOHN HALL TO MAKE UP THEIR ROLLS FOR THE PENOBSCOT EXPEDITION.

Legislative  
Records of the  
Council,  
xl., 195.  
Mass.  
Archives,  
ccxxv., 356.  
Mass.  
Resolves,  
Dec. Session,  
chap. 32.

ON THE PETITION of Col. Alexander Campbell, shewing, that a number of the militia of the Eastern Part of this State, between Penobscot and Machias, were in actual service on the expedition against the enemy in possession of Bagaduce, by order and under the command of Gen. [Solomon]<sup>2</sup> Lovell, and praying that the officers of said militia may be ordered to make up their rolls for two months service, for the reasons mentioned in said petition:

Mass.  
Archives,  
ccxxv., 357.  
*Ante*, p. 142,  
chap. 288.

*Resolved*, That Capt. Daniel Sullivan be and he hereby is directed to make up his roll for two calendar months, and Capt. John Hall for one calendar month, agreeable to a Resolve of this court of September 17th, 1779, for paying the several detachments from the militia and those ordered by the Honorable Council for the expedition at Penobscot. [*Passed December 23.*]

## CHAPTER 672.

RESOLVE ALLOWING JONATHAN FULLER THE IMPROVEMENT OF THE ESTATE OF DAVID PHIPS, ESQ., ABSENTEE, FOR ONE YEAR PAYING £93 RENT, TAXES, AND NECESSARY CHARGES.

Legislative  
Records of the  
Council,  
xl., 192.  
Mass.  
Archives,  
ccxxv., 365.  
Mass.  
Resolves,  
Dec. Session,  
chap. 35.

THE COMMITTEE of both Houses, to whom was referred the Consideration of the Petition of Jonathan Fuller and others, take leave to report the following Resolve

ABRAHAM FULLER per Order

Mass.  
Archives,  
ccxxv., 366-369.

Whereas it appears to this Court that John Carlton, the person named in the petition aforesaid, hath not complied with the resolve of this Court, for leasing out absentees estates, which appears by the deposition of the Agent on the estate of David Phips, Esq., and that he the said John is not a legal lessee of the estate aforesaid: Therefore

*Resolved*, That the petition of the aforesaid Jonathan Fuller and others, be so far granted that the said Jonathan shall have the improvement of the estate aforesaid, during the term of one year,

<sup>1</sup> Massachusetts Archives, ccxxv., 354.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, ix., 1010.



ending the 1st day of April 1780, he the said Jonathan paying to the said Agent the necessary charges that have arisen by the vendue for leasing out the same, and also the sum of ninety-three Pounds, on or before the expiration of said term, also all taxes imposed on said premises during the term aforesaid.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed December 24.*<sup>1</sup>]

## CHAPTER 673.

RESOLVES APPROPRIATING \$500,000 ADDITIONAL FOR RE-ENLISTING AND \$300,000 FOR ENLISTING SOLDIERS INTO THE CONTINENTAL ARMY.

*Resolved*, That the sum of Five Hundred Thousand Dollars be and is hereby appropriated for the purpose of re-inlisting Soldiers into the Continental army, which, together with the sum already appropriated for that purpose (and not yet sent forward) [Henry Gardner, Esq.]<sup>2</sup> the Treasurer is hereby directed immediately to send to the army and deliver to such officers as the Honorable Council shall order, taking proper receipts for the same.

And whereas it has been represented to this Court that it is highly probable that a considerable number of Soldiers may, during this winter, be enlisted into the Continental Army, who are resident in this State: Therefore

*Resolved*, That the sum of Three Hundred Thousand Dollars be and is hereby appropriated for said purpose; which sum the Treasurer is hereby directed to deliver to such recruiting officers, and in such proportions as the Honorable Council shall order. Said officers being accountable for the expenditure of the same. [*Passed December 24.*<sup>3</sup>]

## CHAPTER 674.

RESOLVE ORDERING THE THREE COMPANIES OF ARTILLERY, LATE UNDER COMMAND OF LIEUT. COL. REVERE, NOW AT CASTLE ISLAND AND OTHER POSTS IN THE HARBOR, TO DO DUTY AS GUARDS IN AND ABOUT THE TOWN OF BOSTON UNDER JOHN RICE, CONTINENTAL COMMANDING OFFICER.

THE COMMITTEE of both Houses on the petition of John Rice, Commandant, representing that the time of the guards detached to do duty in and about the Town of Boston is near expiring, have attended that service, and beg leave to report the following Resolve: viz.

*Resolved*, That the three companies of artillery, late under the command of Lieut. Col. Paul Revere, now at Castle-Island and other posts in the harbour of the town of Boston, excepting Capt. Lieut. [Thomas]<sup>4</sup> Newcomb and the men under his command at Hull, be and hereby are immediately ordered to the Town of

Legislative  
Records of the  
Council,  
xl., 193.  
Mass.  
Archives,  
ccxxv., 370.  
Mass.  
Resolves,  
Dec. Session,  
chap. 39.

*Ante*, p. 237,  
chap. 497.

Legislative  
Records of the  
Council,  
xl., 197.  
Mass.  
Archives,  
ccxxv., 359.  
Mass.  
Resolves,  
Dec. Session,  
chap. 41.  
Mass.  
Archives,  
ccxxv., 356, 361.

<sup>1</sup> This date is December 23 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>2</sup> Province Laws, xx., 583, chap. 439.

<sup>3</sup> This date is same in Massachusetts Resolves, but December 23 according to Legislative Records of the Council.

<sup>4</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xi., 340.



Boston, to do duty as guards in and about the Town of Boston, under the command of John Rice, Continental Commanding Officer in this department, during the pleasure of this Court.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed December 24.*]

## CHAPTER 675.

RESOLVES DISCHARGING THE COMMITTEE TO SELL ESTATES OF ABSENTEES IN MIDDLESEX COUNTY OF £132,410 AND GRANTING THEM A BALANCE DUE OF £537. 11s. 1d.

In the House of Representatives

The Committee appointed to make sale of the Estates of Thomas Oliver and others, in the County of Middlesex, agreeable to an order of the General Court, having exhibited their accounts, by which it appears that they have received for the sale of the estates aforesaid the sum of One Hundred thirty-two Thousand four Hundred and ten Pounds, which sum said Committee have fully accounted for to this Court: Therefore

*Resolved*, That James Prescott, Samuel Thatcher and Joseph Hosmer, Esquires, the Committee before mentioned, be and hereby are discharged from said sum of One Hundred thirty-two Thousand four Hundred and ten Pounds, being the amount of the several estates which they have sold.

And whereas it appears that there is a ballance of Five Hundred thirty-seven Pounds eleven Shillings and one Penny due to the Committee aforesaid, it is further

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be and is hereby directed to pay to James Prescott, Samuel Thatcher and Joseph Hosmer, Esquires, the Committee before mentioned, the sum of Five Hundred thirty-seven Pounds eleven Shillings and one Penny, being a ballance due to said Committee.

In Council

Read and Concurred. [*Passed December 24.*]

## CHAPTER 676.

RESOLVE PERMITTING JOHN MCKOY, HUGH CAMERON, AND DOUGAL MCPHERSON, PRISONERS BROUGHT INTO THIS STATE IN 1776, TO RESIDE IN THIS STATE ON TAKING THE OATH OF ALLEGIANCE BEFORE ANY JUSTICE OF THE PEACE IN MIDDLESEX COUNTY.

ON THE PETITION of John McKoy, Hugh Cameron and Dougal McPherson, prisoners brought into this State in the year 1776.

*Resolved*, That the prayer of said petition be granted, and that the said John McKoy, Hugh Cameron and Dougal McPherson be permitted to reside in this State, they taking the oath of allegiance to the State, required by an act for prescribing and establishing an oath of fidelity and allegiance; and any Justice of the Peace for the County of Middlesex, wherein the said petitioners now reside, is hereby empowered to administer the same. [*Passed December 24.*]<sup>2</sup>

<sup>1</sup> Province Laws, xx., 583, chap. 439.

<sup>2</sup> This date is same in Massachusetts Resolves, but December 25 according to Legislative Records of the Council.

Legislative  
Records of the  
Council,  
xl., 197.  
Mass.  
Archives,  
ccxxv., 375.  
Mass.  
Resolves,  
Dec. Session,  
chap. 40.

Mass.  
Archives,  
ccxxv., 376-  
379; *Aute*,  
p. 152, chap.  
312.

Legislative  
Records of the  
Council,  
xl., 199.  
Mass.  
Archives,  
ccxxv., 371.  
Mass.  
Resolves,  
Dec. Session,  
chap. 38.

Mass.  
Archives,  
ccxxv., 372-374.



## CHAPTER 677.

RESOLVE DIRECTING THE COMMITTEE FOR FORTIFICATIONS TO REPLACE THE BEACON ON THE SPIT OF SAND AT THE ENTRANCE OF BOSTON HARBOR AND HAVE THE PILOT BOAT BELONGING TO THIS STATE REPAIRED.

ON A REPRESENTATION made to this Court, that the Beacon, which was erected on the Spit of Sand at the entrance of Boston Harbour is entirely destroyed, whereby the lives of our seafaring Brethren are greatly endangered: Therefore

*Resolved*, That the Committee for fortifications be and they hereby are directed as soon as possible to have a Beacon erected on said Spit of Sand, to answer the purposes for which the former one was erected, said Committee are also directed to have the pilot-boat belonging to this State repaired, and lay their accounts of the cost of said articles before the Committee of Accounts for allowance and payment. [*Passed December 25.*]

Legislative  
Records of the  
Council,  
xl., 199.  
Mass.  
Archives,  
ccxv., 390.  
Mass.  
Resolves,  
Dec. Session,  
chap. 47.

Province  
Laws, xv., 293,  
chap. 318.

## CHAPTER 678.

RESOLVES FOR RAISING GUARDS FOR THE SEVERAL POSTS ON THE SEACOAST AND MAKING AN ESTABLISHMENT FOR THEM.

WHEREAS the Time for which the guards stationed at the several posts on the sea-coasts in this State expires the 1st day of January next: Therefore

*Resolved*, That there be raised in the Province of Main, and stationed at Falmouth and Cape-Elizabeth, two serjeants and twenty-two matrosses.

*Resolved*, That there be raised in the County of Essex and stationed at the fort on Plumb-Island, one serjeant and six matrosses; and that there be raised and stationed at Gloucester, one serjeant and twelve matrosses; at Beverly, one serjeant and six matrosses; at Salem, one serjeant and six matrosses, and at Marblehead, one serjeant and six matrosses. Also

*Resolved*, That there be raised in the County of Bristol, and stationed at Dartmouth, one serjeant and six matrosses; and that there be raised and stationed at the Gurnet, in the County of Plymouth, one serjeant and twelve matrosses. And it is further

*Resolved*, That there be allowed and paid to each serjeant and private soldier as aforesaid, for wages, every callendar month during their continuance in said service, the following sums respectively, viz. to each serjeant, the sum of thirty pounds per month; to each matross, the sum of twenty seven pounds per month. And it is further

*Resolved*, That the wages of the men who shall be raised and stationed in the several sea-ports, agreeable to this Resolve, commence three days before their marching from their respective homes for the posts to which they shall be stationed, and shall continue in said service until the 1st day of January 1781, unless sooner discharged. And it is further

*Resolved*, That the Colonel or commanding-officer of the regiment of militia in which any part of the aforesaid men shall be stationed, agreeable to this Resolve, are hereby impowered and directed to muster the men to be stationed within their regiments respectively, and to approve of none but such as are of able body, and who are provided with a good and effective fire-arm, bayonet, cartridge-box

Legislative  
Records of the  
Council,  
xl., 200.  
Mass.  
Archives,  
ccxv., 391.  
Mass.  
Resolves,  
Dec. Session,  
chap. 43.

Province  
Laws, xx., 575,  
chap. 416.



and canteen, or wooden bottle; and that they give general directions to the officer who immediately commands such party, and see that the men are kept to their duty, and make quarterly returns to the Council of their State and number. And it is further

*Resolved*, That the Colonels or commanding-officers of the above-said regiments shall appoint the abovesaid sergeants respectively in their regiments. And be it further

*Resolved*, That the Council be and are hereby requested to appoint suitable persons to provide for and supply the aforesaid men, at the several stations, with such provision and money to each of them for their rations as hereafter mentioned, viz. one pound of wheat bread or one pound and a quarter of other bread, one pound of pork or one pound and a quarter of beef, also six Shillings per week to purchase sauce, milk, butter, soap and vinegar. [*Passed December 25.*]

## CHAPTER 679.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER TO THE OFFICERS OF THE ARTILLERY REGIMENT LATELY COMMANDED BY COL. CRAFTS THE CLOTHING, OR ITS EQUIVALENT, THAT REMAINS DUE ACCORDING TO RESOLVES OF APRIL 30 AND OCTOBER 16, 1778.

ON THE PETITION of sundry officers of the regiment of artillery lately commanded by Col. Crafts, praying that the Board of War may be directed to deliver them such articles of cloathing as appear due to them, which they have or may have on hand, or the amount thereof in any articles they may have, adequate thereto, referring to the Resolves of April 30th and October 16th 1778:

*Resolved*, That the Board of War be and they are hereby directed to deliver to each officer in the late regiment commanded by Col. Thomas Crafts the quantity of cloathing that remains due, agreeable to the above-mentioned Resolves, as soon as may be, after fulfilling their prior engagements; and in case they have no cloathing on hand, suitable for said purpose, said Board are directed to pay said officers to the amount thereof in any other articles they may have on hand. [*Passed December 25.*]

## CHAPTER 680.

RESOLVE PERMITTING SAMUEL GRIDLEY TO TAKE THE OATH OF ALLEGIANCE, ETC., TO THE UNITED STATES, AND ALLOWING HIM AND THOSE EMPLOYED BY HIM TO FISH UNMOLESTED AT OR WITHIN SEVEN LEAGUES OF THE MAGDALEN ISLANDS IN THE GULF OF ST. LAWRENCE CONDITIONAL ON HIS GIVING A BOND OF £5,000 THAT HE WILL HAVE NO CORRESPONDENCE WITH THE ENEMY AND WILL SEND ALL HIS FISH TO THE UNITED STATES.

THE COMMITTEE of both Houses that were appointed on the petition of Samuel Gridley have attended that service, and beg leave to report the following Resolve: viz.

*Resolved*, That the prayer of the petition be granted, and that Samuel Gridley be and he is hereby permitted to take the oath of allegiance and fidelity to the United States of America; and all commanders of armed vessels belonging to this State are hereby strictly forbid from molesting or disturbing said Gridley, or any of the inhabitants of the islands of Magdalen, in the gulf of St. Lawrence, in his immediate employ, or any of their fishing vessels, within seven leagues of said islands: Provided he the said Samuel

Legislative  
Records of the  
Council,  
xl., 201.  
Mass.  
Archives,  
cexxv., 392.  
Mass.  
Resolves,  
Dec. Session,  
chap. 44.

Mass.  
Archives,  
cexxv., 393-398.  
Province  
Laws, xx., 412,  
chap. 1069; 538,  
chap. 304.

Legislative  
Records of the  
Council,  
xl., 202.  
Mass.  
Archives,  
cexxv., 400.  
Mass.  
Resolves,  
Dec. Session,  
chap. 46.

Mass.  
Archives,  
cexxv., 401.



Gridley shall first give bond to [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State in the sum of Five Thousand Pounds, with good and sufficient sureties, conditioned that he will not directly or indirectly, by himself or any under him, hold any correspondence with the enemies of the United States, and that he will send or cause to be sent all the fish that they may take to market, into this or some other of the United States, for the disposal thereof: And all commanders of armed vessels belonging to this State are commanded, and any belonging to the United States are requested not to molest or impede him the said Samuel Gridley from passing and repassing as aforesaid with his effects to this or any of the United States.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed December 25.*]

## CHAPTER 681.

RESOLVE GRANTING £500 TO JOHN AVERY, DEPUTY SECRETARY, IN ADDITION TO THE £300 HE HAS ALREADY RECEIVED IN PART FOR HIS SERVICES FOR THE YEAR 1779.

Legislative  
Records of the  
Council,  
xl., 202.  
Mass.  
Archives,  
ccxxv., 399.  
Mass.  
Resolves,  
Dec. Session,  
chap. 42.

*Resolved*, That there be allowed and paid out of the Treasury of this State to John Avery, in addition to Three Hundred Pounds he has already received, the sum of Five Hundred Pounds, to be in part for his services as Deputy-Secretary, from the 1st day of January 1779 to the 1st day of January 1780. [*Passed December 25.*]

## CHAPTER 682.

RESOLVE GRANTING £100 TO JOSEPH POMROY TO PAY FOR SURGEONS, MEDICINES AND ATTENDANCE.

ON THE PETITION of Joseph Pomroy, praying that he may receive an annual pension, also the sum of One Hundred Pounds, to put him into a capacity for paying his necessary expences of surgeons, medicines, and attendance, while he was at Mr. Laynes [of Norton],<sup>2</sup> as is set forth in his petition:

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be and he is hereby directed to pay Joseph Pomroy the sum of One Hundred Pounds, to enable him to pay the necessary charges aforesaid. [*Passed December 27.*]<sup>3</sup>

Legislative  
Records of the  
Council,  
xl., 200.  
Mass.  
Archives,  
ccxxv., 404.  
Mass.  
Resolves,  
Dec. Session,  
chap. 45.  
Mass.  
Archives,  
ccxxv., 405.

<sup>1</sup> Province Laws, xx., 583, chap. 439.

<sup>2</sup> Massachusetts Archives, ccxxv., 405.

<sup>3</sup> This date is December 25 according to Legislative Records of the Council and Massachusetts Resolves.



## CHAPTER 683.

RESOLVES DIRECTING THE SHERIFF OF SUFFOLK COUNTY TO PROCURE FOR DR. BENJAMIN TUPPER, IMPRISONED FOR AIDING AND CONSPIRING WITH THE ENEMY, SUCH ASSISTANCE AND ACCOMMODATIONS WITHIN THE GAOL AS SHALL BE CONDUCTIVE TO HIS COMFORT AND CONSISTENT WITH HIS SAFE KEEPING AT SAID PRISONER'S EXPENSE.

Legislative  
Records of the  
Council,  
xl., 203.  
Mass.  
Archives,  
ccxxv., 407.  
Mass.  
Resolves,  
Dec. Session,  
chap. 48.

THE COMMITTEE of both Houses appointed to consider the Petition of Benjamin Tupper, a prisoner in the gaol in the county of Suffolk, praying that he may be discharged, or otherwise relieved, for reasons in the petition mentioned, beg leave to report the following Resolutions which are submitted by order of the Committee

ARTEMAS WARD per Order.

Mass.  
Archives,  
ccxxv., 409-411.

Whereas it appears to this Court that Benjamin Tupper, now a prisoner in the gaol of the county of Suffolk, was legally committed on the charge of being an adherent to the enemies of this and the other United States, giving them aid and comfort, and conspiring with the said enemies to levy war against the said United States. And whereas the said Benjamin Tupper has petitioned this Court, setting forth that he is in such an ill state of health as renders his confinement dangerous to his life, and praying relief: And it also appearing that the petitioner's state of health is such as requires relief: Therefore

*Resolved*, That the Sheriff of the said county of Suffolk be and he is hereby directed to procure for the said prisoner such assistance and accommodations within the said gaol, as shall be conducive to his comfort, so far as may be consistent with his safe keeping, until the further order of this Court, or he be discharged by due course of law. And it is further

*Resolved*, That the expence that may arise by virtue of this Resolution be borne and paid by the said prisoner.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed December 27.*]

## CHAPTER 684.

RESOLVE ALLOWING THE MEN ON THE ROLLS EXHIBITED BY ALEXANDER CAMPBELL THE SAME ESTABLISHMENT AS THOSE ON THE PENOBSCOT EXPEDITION.

Legislative  
Records of the  
Council,  
xl., 204.  
Mass.  
Archives,  
ccxxv., 412.  
Mass.  
Resolves,  
Dec. Session,  
chap. 49.

ON THE PETITION of Alexander Campbell, praying that a number of men contained in the rolls exhibited with his petition, may be allowed for their services:

*Resolved*, That the men who are mentioned in said rolls be allowed and paid the same sum that the men who were employed on the late expedition to Penobscot were paid, and the Committee on muster-rolls are directed to examine and allow accordingly. [*Passed December 28.*]

Mass.  
Archives,  
ccxxv., 413.



## CHAPTER 685.

RESOLVES PERMITTING BENJAMIN BROWN TO RETURN TO YARMOUTH, N. S., IN HIS SCHOONER POLLY, TAKING RICE, INDIAN CORN, SUGAR, MOLASSES, RUM AND FLOUR.

ON THE PETITION of Benjamin Brown, praying that he may be permitted to return to Yarmouth, in the Province of Nova-Scotia, with his Schooner called the Polly, with a small quantity of family-stores, for reasons set forth in said petition:

*Resolved*, That the prayer of said petition be so far granted, as that the said Benjamin Brown be and he hereby is permitted to return to Yarmouth, in the Province of Nova-Scotia, with his said Schooner, and take on board one Barrel of Rice, and forty Bushels of Indian-Corn, one hundred three quarters of Sugar, thirty Gallons of Molasses, ten Gallons of Rum, and part of two Barrels of Flour: It is further

*Resolved*, That the [Nathaniel Barber, Esq.,]<sup>1</sup> Naval-Officer for the Port of Boston be and he is hereby directed to see that the said Benjamin Brown strictly observes this Resolve. [*Passed December 28.*]

Legislative  
Records of the  
Council,  
xl., 204.  
Mass.  
Archives,  
ccxxv., 414.  
Mass.  
Resolves,  
Dec. Session,  
chap. 50.

Mass.  
Archives,  
ccxxv., 415, 416.

## CHAPTER 686.

RESOLVE DESIRING THE COMMITTEE TO ASCERTAIN THIS STATE'S RIGHTS IN VERMONT TO CONTINUE THEIR RESEARCHES UNTIL THE NEXT SITTING OF THE GENERAL COURT.

WHEREAS the Committee appointed by this Court to ascertain the right of this State to lands lying within the tract lately called Vermont, have represented to this Court, that they shall not be able to make report to the Court during the present Session thereof, and desire further time for that purpose: Therefore

*Resolved*, That the Hon. James Bowdoin, Samuel Adams and John Lowell, Esquires, a Committee appointed for the purpose aforesaid, be and they hereby are desired to continue their researches after the evidence to prove the claim of this State to lands lying within the tract lately called Vermont, 'till the next sitting of the General Court, at which time the committee aforesaid are desired to make report without fail. [*Passed December 28.*]

Legislative  
Records of the  
Council,  
xl., 205.  
Mass.  
Archives,  
ccxxv., 421.  
Mass.  
Resolves,  
Dec. Session,  
chap. 51.

Mass.  
Archives,  
ccxxv., 422.  
Legislative  
Records of the  
Council,  
xl., 147.  
*Ante*, p. 232,  
chap. 484.

## CHAPTER 687.

RESOLVE DIRECTING THE BOARD OF WAR TO PAY CAPT. THOMAS SMART, AND OTHER OFFICERS, FOR CLOTHING PURCHASED FOR THE CONTINENTAL ARMY.

ON THE PETITION of Capt. Thomas Smart, praying that the Board of War be directed to pay the necessary expences that he and other officers on the same duty have been at in purchasing clothing for the use of this State's proportion of the Continental Army:

*Resolved*, That the Board of War be and they hereby are directed to pay to Capt. Thomas Smart, and other officers employed at that time and on the same duty, such sums of money as they shall judge adequate to their services. [*Passed December 28.*]

Legislative  
Records of the  
Council,  
xl., 205.  
Mass.  
Archives,  
ccxxv., 423.  
Mass.  
Resolves,  
Dec. Session,  
chap. 52.

Mass.  
Archives,  
ccxxv., 424.

<sup>1</sup> Province Laws, xx., 589, chap. 450.



## CHAPTER 688.

RESOLVE FOR THE PAYMENT OF THE ROLL OF CAPT. DANIEL SULLIVAN'S COMPANY IN THE PENOBSCOT EXPEDITION TO SAID CAPTAIN NOW IN BOSTON AND BOUND TO THE EASTERN PART OF THIS STATE WHERE HIS SOLDIERS GENERALLY RESIDE.

Legislative  
Records of the  
Council,  
xl., 206.  
Mass.  
Archives,  
ccxv., 425.  
Mass.  
Resolves,  
Dec. Session,  
chap. 54.

*Ante*, p. 312,  
chap. 671.

WHEREAS great inconveniences and hardships may be consequent upon making the roll of Capt. Daniel Sullivan and his Company, who served on the Penobscot expedition, and who are so remote from the State Treasury, payable in the usual manner to each individual: To remove which,

*Resolved*, That the Honorable Council be and hereby are desired to issue their warrant on said roll payable to Captain Daniel Sullivan, a resident in the eastern part of this State now in this town, and bound to that part of the same where the soldiers in said Company generally reside; he to give his receipt for the money, and to be accountable to each of said soldiers for what is due to him on said roll, any law or usage to the contrary notwithstanding. [*Passed December 28.*]

## CHAPTER 689.

RESOLVE DIRECTING THE TREASURER TO PAY NOTES DUE ON DECEMBER 2<sup>d</sup>, OR THE INTEREST ONLY IF DESIRED AND THAT ANNUALLY UNTIL SAID NOTES ARE PAID.

Legislative  
Records of the  
Council,  
xl., 206.  
Mass.  
Archives,  
ccxv., 426.  
Mass.  
Resolves,  
Dec. Session,  
chap. 56.

Mass.  
Archives,  
ccxxxv., 62

WHEREAS it appears to this Court that a considerable sum in Notes issued by [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State became due on the 2<sup>nd</sup> of this instant, December, and no provision is made to enable the Treasurer to pay said Notes, or the interest thereof: Therefore

*Resolved*, That the Treasurer of this State be directed, and he is hereby accordingly directed to pay out of such Monies as he may have in his hands, any of the aforesaid Notes for which payment may be demanded, and in case the holder of any of the aforesaid Notes is not disposed to receive the principal, the Treasurer is hereby impowered and directed in such case to pay the interest only, and the holder of said Notes shall be intitled to receive, and the Treasurer is hereby impowered and directed to pay the interest of said Notes annually, until the Note or Notes shall be paid. [*Passed December 29.*]

## CHAPTER 690.

RESOLVE DIRECTING THE TREASURER TO LEND \$100,000 TO COL. CHASE, DEPUTY QUARTERMASTER GENERAL.

ON THE PETITION of Thomas Chase, Esq., D.Q.M.G. praying for the loan of a sum of money:

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be and he hereby is directed to lend to Thomas Chase, Esq., D.Q.M.G., One Hundred Thousand Dollars; said Chase to be accountable for the same to the said Treasurer. [*Passed December 29.*]

Legislative  
Records of the  
Council,  
xl., 207.  
Mass.  
Archives,  
ccxv., 427.  
Mass.  
Resolves,  
Dec. Session,  
chap. 55.

Mass.  
Archives,  
ccxxxv., 428.

<sup>1</sup> Province Laws, xx., 583, chap. 439.



## CHAPTER 691.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER TO THE CONTINENTAL NAVY BOARD 500 WEIGHT OF BREAD IN PAYMENT OF THE SAME BORROWED BY COL. BREWER FROM CAPT. HACKER OF THE CONTINENTAL SLOOP PROVIDENCE ON THE 17<sup>TH</sup> OF JULY LAST.

WHEREAS the Continental Navy-Board in this Department have represented to this Court that Capt. [Hoysteed]<sup>1</sup> Hacker, of the Continental Sloop Providence, did on the 17th day of July last lend to Col. Josiah Brewer, then in the service of this State, Five Hundred weight of bread, which bread has not been returned, and said representation appearing to be just and well founded: Therefore

*Resolved*, That the Board of War be directed and they are hereby accordingly directed to deliver to the Continental Navy-Board Five Hundred weight of bread, in full payment for the bread borrowed as aforesaid, as soon as they have it in their power so to do, without essential injury to the publick Service. [*Passed December 29.*]

Legislative  
Records of the  
Council,  
xl, 208.  
Mass,  
Archives,  
ccxxv., 429.  
Mass,  
Resolves,  
Dec. Session,  
chap. 58.

Mass,  
Archives,  
ccxxv., 430;  
ccxxxv., 61.

## CHAPTER 692.

RESOLVES INSTRUCTING THE STATE CLOTHIER, SAMUEL RUGGLES, ESQ., EMPOWERING HIM TO APPOINT AN ASSISTANT AND MAKING AN ESTABLISHMENT FOR THEM.

WHEREAS Samuel Ruggles, Esq., has been appointed (by this Court) State-Clothier, to reside with or near that part of the Continental army raised by this State, and observe and perform all the duties enjoined on a State-Clothier, agreeable to a resolve of the Continental Congress, passed March 23, 1779; and as the provision made for said Ruggles by a resolve of the 16th of September last, is not adequate to the services of a State-Clothier: It is therefore

*Resolved*, That there be allowed and paid to said Ruggles, ninety Pounds per month, agreeable to the resolve above referred to, and one ration per day, which he is to draw in camp; also the sum of ninety Pounds in addition to the ninety Pounds abovementioned, and that all necessary travelling expences be allowed him. And that the Honorable the Major Part of the Council be requested to grant such sum or sums of money, not exceeding Twelve Hundred Pounds, to said Ruggles, from time to time, as may be necessary for him to prosecute the business of a State-Clothier, he to be accountable for the same. And as the public service makes it necessary for the said State-Clothier to have an Assistant, it is further

*Resolved*, That the said State-Clothier may appoint some suitable person as an Assistant, and that said Assistant be allowed seventy-two Pounds per month, and one ration per day, which he is to draw in camp. And it is further

*Resolved*, That the State-Clothier take into his possession the cloathing that shall be sent him from time to time by the Committee for purchasing stores, and that he deliver said cloathing to the troops raised by this State, in full proportion as allowed by the Continental Congress, and after said delivery, if any surplus remain, that he retain said surplus in store, or otherwise dispose of it on the application of any commander of a regiment in the service of this State, said commander thereupon giving a receipt

Legislative  
Records of the  
Council,  
xl, 209.  
Mass,  
Archives,  
ccxxv., 431.  
Mass,  
Resolves,  
Dec. Session,  
chap. 57.

Mass,  
Archives,  
ccxxv., 433-436.  
*Ante*, p. 139,  
chap. 281.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vii., 4.



expressing the names of those men for whom he receives said cloathing, in order that a proper charge be made of the same, agreeable to the regulated price as affixed by an act of this State; but it is considered that from the surplus abovementioned the surplus of blankets is excepted, which are to be delivered in to the Clothier-General, he giving a receipt for the same to the Clothier of this State; notwithstanding, any article of cloathing which shall be in the hands of the State-Clothier after the troops of this State are fully supplied, may be disposed of to any of the troops of the other United States, by way of loan, or otherwise, as will best promote the public service, if the Clothier-General see fit to order the same. And it is

*Resolved*, That the said State-Clothier shall make a return of his doings, once every quarter of a year at least, to the General Court of said State if sitting, or to the Honorable Council of said State in the recess, in order that seasonable supplies may be made for the comfort and convenience of the troops of this State. [*Passed December 29.*]

## CHAPTER 693.

RESOLVES DIRECTING THE AGENTS OF PLYMOUTH AND BRISTOL COUNTIES TO ATTEND THE GENERAL COURT AND EXPLAIN WHY THEY HAVE RECEIVED SUCH VERY BAD CLOTHING FOR THE ARMY AND WHO PROVIDED SUCH, THE SECRETARY TO SUMMON SAID AGENTS BY EXPRESS.

Legislative  
Records of the  
Council,  
xl., 210.  
Mass.  
Archives,  
ccxxv., 437.  
Mass.  
Resolves,  
Dec. Session,  
chap. 59.

*Ante*, p. 72,  
chap. 138.

IT BEING REPRESENTED to this Court that a considerable quantity of the shirts and shoes that are turned into the State's store, for the use of the soldiers in the Continental army, from the counties of Plymouth and Bristol, will by no means answer for that purpose: Therefore

*Resolved*, That the [Capt. David Kingman and Brig. George Godfrey]<sup>1</sup> Agents of the counties of Plymouth and Bristol, be and they are hereby directed forthwith to give their attendance at the General Court, to shew cause (if any they have) why they received of the selectmen of the several towns in their respective counties such very bad cloathing for the use of the army, and also who they were that provided such very bad cloathing. And it is further

*Resolved*, That the Secretary be directed forthwith by express to summon said Agents to appear accordingly. [*Passed December 29.*]

## CHAPTER 694.

Legislative  
Records of the  
Council,  
xl., 207.  
Mass.  
Archives,  
ccxxv., 439, 440.  
Mass.  
Resolves,  
Dec. Session,  
chap. 60.

Mass.  
Archives,  
cxlv.; ccxxv.,  
438. *Ante*,  
p. 216, chap.  
459.

RESOLVES FOR PUBLISHING THE REPORT OF THE COMMITTEE ON THE FAILURE OF THE PENOBSCOT EXPEDITION, THE RESOLVES, LETTERS AND ORDERS RELATING TO THE SAME, AS A PAMPHLET IN ORDER THAT THE PUBLIC MAY BE SATISFIED.

*Resolved*, That it appears to this Court, upon a full enquiry into the grounds and reasons of the failure of the late expedition to Penobscot, that the principal causes of the failure aforesaid are clearly pointed out in the several questions and answers contained in the report of the Committee of both Houses of the 7th of October last, relative to this matter, which appears to be fully supported by the depositions accompanying the same; and in order that the public may be satisfied with respect to the conduct of said expedition,

<sup>1</sup> *Ante*, p. 72, chap. 138.



*Resolved*, That the Report of the Committee of Enquiry of the 7th of October last, and the Resolves, and a Letter of the General Court to Meshech Weare, Esq., and also the Orders and Letters of the Council relative to this expedition, hereafter enumerated, together with the Orders given by the Navy-Board to [Com. Dudley Saltonstall]<sup>1</sup> the Commander of the Naval-Forces, be published in a pamphlet.<sup>2</sup>

The Papers referred to above to be published, are as follows: viz.

The Resolve of the General Assembly of the 26th of June 1779.

Ditto of the 29th of June 1779.

General Court's Letter to the Hon. Meshech Weare, Esq.

Council's Order on the Board of War, dated July 1st, 1779.

Ditto Order to Gen. [Solomon]<sup>3</sup> Lovell of July 1st, 1779.

Ditto Order to ditto, July 2d, 1779.

Ditto Order on the Board of War, July 2d, 1779.

Ditto Order to the Sheriff of Suffolk to press the ship General Putnam, July 2d, 1779.

Ditto Order to the Sheriff of Essex to impress Vessels, July 3d, 1779.

Ditto Order for pressing men, July 3d, 1779.

Ditto Order to the Board of War to provide provisions, July 3d, 1779.

Ditto Orders of the 8th of August to ditto.

Ditto Letter to the Navy-Board, dated June 30th, 1779.

Ditto Letter to the Navy-Board, July 2d, 1779.

Ditto Letter to Meshech Weare, Esq., July 9th, 1779.

Ditto Letter to Colonels [Azor]<sup>4</sup> Orne and [William R.] Lee,<sup>5</sup> July 11th, 1779.

Ditto Letter to Elias Hasket Derby, July 11th, 1779.

Ditto Letter to the Navy-Board, July 12th, 1779.

Ditto Letter to the ditto, July 14th, 1779.

Ditto Letter to Gen. [Solomon]<sup>3</sup> Lovell, July 23d, 1779.

Ditto Letter to ditto, August 6th, 1779.

Ditto Letter to Gen. [Horatio]<sup>6</sup> Gates, August 8th, 1779.

Ditto Letter to Meshech Weare, August 8th, 1779.

Ditto Letter to Enoch Freeman and Samuel Freeman, dated August 10th, 1779.

Ditto Letter to Gen. [Solomon]<sup>3</sup> Lovell, August 10th, 1779.

Ditto Letter to Selectmen and Commanders of Independent Companies, Aug. 10th, 1779.

Ditto Letter to Gen. [Solomon]<sup>3</sup> Lovell, August 11th, 1779.

Ditto Letter to ditto August 12th, 1779.

Navy-Board's Letter to Com. [Dudley]<sup>1</sup> Saltonstall, August 12th, 1779.

[*Passed December 30.*<sup>7</sup>

## CHAPTER 695.

RESOLVES DIRECTING THE COMMITTEE FOR PURCHASING CLOTHING AND SMALL STORES AND THE CONTINENTAL AGENTS TO FURNISH NEW RECRUITS WITH THOSE ARTICLES THEY NEED AT PRESENT.

Legislative  
Records of the  
Council, of  
xl., 211.  
Mass.  
Archives,  
cxv., 442.  
Mass.  
Resolves,  
Dec. Session,  
chap. 61.

WHEREAS several new recruits have lately been inlisted as this State's quota of the Continental army during the war, and others may be, by the recruiting officers of the army now in Boston recruited, among whom there are some and may be others so destitute of necessary cloathing, that they cannot well proceed to camp

<sup>1</sup> Massachusetts Archives, cxlv., 98.

<sup>2</sup> THE PROCEEDINGS OF THE GENERAL ASSEMBLY, AND OF THE COUNCIL, OF THE STATE OF MASSACHUSETTS-BAY, RELATING TO THE PENOBSCOT EXPEDITION: AND THE ORDERS OF THE CONTINENTAL NAVY-BOARD TO THE COMMANDER OF THE NAVAL FORCES. TOGETHER with the REPORT of a COMMITTEE appointed to enquire into the CAUSE OF THE FAILURE of the said EXPEDITION. PUBLISHED BY ORDER OF THE GENERAL ASSEMBLY. BOSTON: PRINTED BY J. GILL, PRINTER TO THE GENERAL ASSEMBLY. 1780.

<sup>3</sup> *Ante*, p. 104, chap. 199.

<sup>4</sup> Council.

<sup>5</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, ix., 644.

<sup>6</sup> Heitmann's Historical Register of the Officers of the Continental Army.

<sup>7</sup> This date is same in Massachusetts Resolves, but December 29 according to Legislative Records of the Council.



without some supplies, before they can draw them in camp, for which no provision hath been made: Therefore, It is

*Resolved*, That the Committee appointed for purchasing and forwarding cloathing and small stores for that part of the army raised by this State, be and they are hereby directed to supply all such new recruits with those articles, which the officer who recruited them shall certify they stand in present need of, in order to enable them to proceed to camp, such officer certifying the name of such soldier; and the regiment he belongs to, and to transmit an account thereof to the Cloathier of this State, that he may keep a true account of the same, and to prevent their drawing more than their proportion of the cloathing.

And whereas there may be some who need such articles as cannot be supplied by the Committee aforesaid: It is further

*Resolved*, That Messieurs [Samuel Allyne]<sup>1</sup> Otis and [David]<sup>1</sup> Henley, the Continental Agents in Boston, be and they are hereby requested to supply the recruits aforesaid with all such articles, upon being certified by the recruiting officer as aforesaid, and that they transmit an account thereof to the Cloathier-General of the Continental army, to prevent their receiving more cloathing than their proportion. [*Passed December 30.*]

## CHAPTER 696.

RESOLVE EMPOWERING THE EXECUTOR OF BENJAMIN SHEPARD, LATE ADMINISTRATOR OF EDWARD GAY, TO EXECUTE A DEED TO SAMUEL LETHBRIDGE OF A CEDAR SWAMP IN WALPOLE.

ON THE PETITION of Samuel Lethbridge, praying that either the executor of the will of Benjamin Shepard, or administrator on the estate of Edward Gay, deceased, should be impowered to give him a deed of a small piece of cedar swamp, for reasons set forth in the petition: Therefore

*Resolved*, That Benjamin Shepard, executor to the last will of Benjamin Shepard, late of Wrentham, deceased, be and he hereby is authorized and impowered to give and execute a good and lawful deed to the said Samuel Lethbridge, of such part of the cedar swamp [in Walpole],<sup>2</sup> mentioned in said petition, as was the property of the said Edward Gay, and sold by the said Benjamin Shepard, deceased, to the said Samuel Lethbridge, in consequence of an order of the Superior Court. [*Passed December 31.*]<sup>3</sup>

## CHAPTER 697.

RESOLVE DIRECTING THE COMMITTEE ON ACCOUNTS TO PAY ALL PERSONS WHO ENGAGED IN THE SERVICE AT NORTH RIVER IN 1778, FOR THE USE OF THEIR FIRELOCKS, BAYONETS, CARTOUCH BOXES, HAVERSACKS AND BLANKETS.

WHEREAS by a Resolve of the General Court of this State, past the 20th of April 1778, for raising 1,300 men for North River, it was among other things Resolved that every person procured to compleat said number, who should supply himself with a good firelock and bayonet, cartouch-box, haversack and blanket, and at

<sup>1</sup> Journals of the Continental Congress.

<sup>2</sup> Massachusetts Archives, ccxxv., 445.

<sup>3</sup> This date is same in Massachusetts Resolves, but December 24 according to Legislative Records of the Council.

Legislative  
Records of the  
Council,  
xl., 196.  
Mass.  
Archives,  
ccxxv., 444.  
Mass.  
Resolves,  
Dec. Session,  
chap. 64.

Mass.  
Archives,  
ccxxv., 445.

Legislative  
Records of the  
Council,  
xl., 212.  
Mass.  
Archives,  
ccxxv., 443.  
Mass.  
Resolves,



the expiration of the term of his service produce to the proper pay-master a certificate from his captain or other commanding officer of his company, that he has been constantly provided therewith, shall receive (agreeable to a Resolve of Congress of the 26th of February 1778) for the use of his firelock, bayonet and cartouch box, two dollars, and for the use of his blanket, four dollars, and in like proportion for any or either of them. And whereas it appears to this Court that no payment has as yet been made to the abovesaid persons who did engage in the abovesaid service, agreeable to said Resolve, and as there has been no pay-master appointed: Therefore

*Resolved*, That the Committee on Accounts be and they hereby are directed to pay all those persons who did engage in said service and provide themselves with a firelock, bayonet, cartouch-box, and blanket, agreeable to said Resolve, they producing proper vouchers that they were so provided. [*Passed December 31.*]

Dec. Session,  
chap. 63.

Province  
Laws, xx., 373,  
chap. 971.

## CHAPTER 698.

RESOLVES GRANTING A BOUNTY OF £100 A TON FOR POT OR PEARL ASH MANUFACTURED IN THIS STATE FOR PUBLIC USE AND £75 A TON FOR PRIVATE USE.

WHEREAS many and great advantages may be expected from a revival of the manufacture of Pot and Pearl Ash within this State: For the encouragement thereof

*Resolved*, That a bounty of One Hundred Pounds be paid out of the Treasury of this State on every ton of pot or pearl ash, or less quantity in the same proportion, manufactured within this State and sold to the Board of War, or any other person or persons appointed by the General Court to purchase the same for the use of this State, upon the same being sold and delivered as aforesaid on or before the 1st day of January, A.D. 1781, and the person so selling and delivering the same making oath, before some Justice of the Peace, that the same was (*bona fide*) manufactured within this State, and producing a certificate from the person or persons appointed to purchase the same, that it has been surveyed and certified by a surveyor appointed by the order of this Court, to be good and merchantable. And it is further

*Resolved*, That a bounty of seventy-five Pounds be paid out of the Treasury of this State on every ton of pot or pearl ash, or less quantity in the same proportion, manufactured within the same, to any person or persons belonging to this State, who shall purchase or manufacture and ship the same on his or their own account, he or they producing full and satisfactory evidence to the Council of this State, that the same was manufactured within the same, that no bounty has been by the said State paid thereon, and a certificate from a surveyor appointed by the Order of the General Court, that it is good and merchantable, and making oath that it was purchased or shipped on or before the 1st day of January A.D. 1781, in all cases where the bounty is not applied for before that time. And the Council of this State are to issue their warrants on [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State for all Bounties that may become due in consequence of the above Resolutions. [*Passed January 1.*]

Legislative  
Records of the  
Council,  
xl., 214.

Mass.  
Archives,  
cxxxv., 449.

Mass.  
Resolves,  
Dec. Session,  
chap. 65.

<sup>1</sup> Province Laws, xx., 583, chap. 439.



## CHAPTER 699.

RESOLVE EMPOWERING THE COURT OF GENERAL SESSIONS FOR CUMBERLAND COUNTY TO GRANT PAY AND EXPENSES OUT OF THE COUNTY TREASURY TO THE DELEGATES TO THE CONVENTION AT CONCORD JULY LAST.

Legislative  
Records of the  
Council,  
xl., 215.  
Mass.  
Archives,  
ccxxv., 451.  
Mass.  
Resolves,  
Dec. Session,  
chap. 67.

Mass.  
Archives,  
ccxxv., 452.  
*Ante*, p. 233,  
chap. 485.

*Resolved*, That the Court of General Sessions of the Peace for the County of Cumberland be and they hereby are impowered and directed to allow and grant out of the Treasury of said County to those persons who, in consequence of an appointment thereto by the Committees of the several Towns in said County, represented the same in the Convention held at Concord in July last, a reasonable sum for their time and expence in attending that service; and to assess the amount thereof upon the polls and rateable estates within the said County, in the same manner as they are by law directed to assess other county charges. [*Passed January 1.*]

## CHAPTER 700.

RESOLVE ESTABLISHING THE PAY OF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES AT \$25 PER DAY AND OF THE COUNCIL AT \$30 PER DAY.

Legislative  
Records of the  
Council,  
xl., 216.  
Mass.  
Archives,  
ccxxv., 453.  
Mass.  
Resolves,  
Dec. Session,  
chap. 68.

*Resolved*, That the pay of the Members of the House of Representatives for the present session be twenty-five Dollars per day, and that the pay of the Honorable Council be thirty Dollars per day, and that those Members of the House of Representatives who tarried in Boston the last short recess, shall be paid for that time at the same sum of twenty-five Dollars per day. [*Passed January 1.*]

## CHAPTER 701.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER LINEN AND CLOTH ENOUGH FOR ONE SUIT TO WILLIAM BAKER, JR., AT THE REGULAR PRICE.

ON THE PETITION of William Baker, jun.

*Resolved*, That the Board of War be and they are hereby directed to deliver half of a piece of linen and cloth, &c. sufficient for one suit of cloaths to William Baker, jun., he paying for the same at the regulated price. [*Passed January 1.*]

Legislative  
Records of the  
Council,  
xl., 216.  
Mass.  
Archives,  
ccxxv., 456.  
Mass.  
Resolves,  
Dec. Session,  
chap. 66.  
Mass.  
Archives,  
ccxxv., 457.

## CHAPTER 702.

RESOLVES FOR OBTAINING A LOAN OF £150,000, STERLING, IN EUROPE FOR THE PURCHASE OF CLOTHES FOR THE CONTINENTAL ARMY AND GOODS SUITABLE FOR THIS MARKET, AND FOR SHIPPING THE SAME TO THE VALUE OF £40,000 IN THE SHIP PROTECTOR, OR SOME OTHER VESSEL, FROM SOME PORT IN FRANCE.

Legislative  
Records of the  
Council,  
xl., 197.  
Mass.  
Archives,  
ccxxxv., 68, 69.

WHEREAS it is highly probable that great advantages may be derived to this State, by obtaining a Loan or Credit from Gentlemen in Europe for a Sum not exceeding One Hundred and Fifty Thousand Pounds, Sterling, Therefore

*Resolved*, That this Court will immediately take such measures,



as to them shall appear effectual, for Obtaining such a Loan or Credit for a Sum not exceeding One Hundred and Fifty Thousand Pounds, Sterling, Twenty Thousand Pounds of which to be Invested in such articles as are suitable for cloathing this State's Quota of the Continental army to be shipped by the Ship Protector, and as many other goods suitable for this Market, as the said Ship can take in, provided the whole Cost of the Goods sent in said Ship does not amount to more than Forty Thousand Pounds Sterling, the articles to be purchased and shipped to be determined on by a Committee of five Persons to be appointed by this Court by Joint Ballot, the first Cost of said Goods to be Insured in Europe, the remainder of the Sum so borrowed to be lodged in some secure hands in Europe, to be drawn out as the General Court shall hereafter direct by Bills of Exchange or invested and shipt in such Goods, as will be most for the advantage of this State, as the aforesaid Committee shall order, the money arising from the Sale of said Bills, or Goods, to be appropriated for the payment of this States proportion of the Continental Debt. And it is further

Mass.  
Archives,  
ccclxxv., 63,  
68, 69b.

*Resolved*, That the Board of War be and they hereby are directed to man and fix the Ship Protector for the Sea as soon as possible, and that [John Foster Williams]<sup>1</sup> the Commander of said Ship be directed to proceed with said Ship to some Port in the Kingdom of France and receive on board said Ship, such goods as shall be delivered him by the Agent who may be appointed by this Court to purchase and ship goods on account of this State and after taking such papers and directions as he may receive from said Agent, to proceed to some Port in this State and upon his return home carefully to avoid every danger from the Enemy that he possibly can. And whereas it will be necessary, in order to obtain the Loan or Credit aforementioned, that a fund be Established, as a security for the payment of the Debt that will be hereby contracted in Europe, therefore

*Resolved*, That a Committee be appointed to prepare and bring in a Bill for that purpose, also

*Resolved*, That some suitable Person be appointed by this Court and vested with proper powers and instructions by said Court, (or the Committee they may appoint for this purpose) to negotiate a Loan or Credit, and transact the business aforementioned, and that he proceed to Europe in the Ship Protector or some other Vessel for the purposes aforesaid. [*Passed January 3.*<sup>2</sup>

## CHAPTER 703.

RESOLVES DISCHARGING GEN. HEATH OF \$98,420 WHICH HE RECEIVED FOR RE-ENLISTING THE CONTINENTAL ARMY, MAKING THE COLONELS AND COMMANDERS OF THE CONTINENTAL REGIMENTS ACCOUNTABLE, AND DIRECTING THEM TO MAKE MONTHLY RETURNS OF THE MEN ENLISTED.

WHEREAS it appears on the examination of the account of the Hon. Gen. [William]<sup>3</sup> Heath, of the sum of Ninety-eight Thousand four Hundred and twenty Dollars, which he received from this State for the purpose of reinlisting the Continental Army, that the same is right cast, and well vouched, and that the sum aforesaid has been appropriated to the use aforesaid: Therefore

*Resolved*, That he be and he hereby is discharged of the said

Legislative  
Records of the  
Council,  
xl., 216.  
Mass.  
Archives,  
ccxxv., 460.  
Mass.  
Resolves,  
Dec. Session,  
chap. 70.

<sup>1</sup> *Ante*, p. 221, chap. 468.

<sup>2</sup> This date is December 24 according to Legislative Records of the Council.

<sup>3</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vii., 684.



Mass.  
Archives,  
ccxxv., 461-470.

sum of Ninety-eight Thousand four Hundred and twenty Dollars, which he received from this State as abovementioned; and that the Colonels and Commanders of the Continental Regiments raised in this State, among whom the said sum has been distributed by Gen. Heath for the purposes aforesaid be accountable to this State for the respective sums received by them of Gen. Heath, either by proper vouchers of the appropriation thereof to the inlisting soldiers as aforesaid, or by paying into the State Treasury such sums as shall not be so appropriated. And to prevent fraud and mistakes in the inlisting soldiers, and paying them the States bounty aforesaid:

*Resolved*, That there be monthly returns made by the inlisting officers of the regiments of this State in the Continental service, to their respective Colonels and Commanders of said regiments of every soldier inlisted by them, to whom they have paid a bounty in behalf of this State and duly mustered, mentioning their names, their ages, their places of abode, and a description of their persons, in order that the said Colonels or Commanders of regiments may be satisfied that the money received by them from this State hath been truly applied, and that such returns be made monthly of the same by such Colonels and Commanders to the Secretary's office; and the Secretary is hereby directed to transmit copies of this Resolve to the several Commanders of regiments raised by this State in the Continental service. [*Passed January 3.*<sup>1</sup>]

## CHAPTER 704.

RESOLVE GRANTING SEVENTY-TWO SILVER DOLLARS TO SOLOMON LOVELL, ESQ., FOR PAYMENT MADE TO INDIANS AS PILOTS TO KENNEBECK RIVER.

Legislative  
Records of the  
Council,  
xl., 217.  
Mass.  
Resolves,  
Dec. Session,  
chap. 73.

ON THE PETITION of Solomon Lovell, in behalf of himself and others, praying that he may be allowed seventy-two silver-dollars: Therefore

*Resolved*, That [Henry Gardner, Esq.,]<sup>2</sup> the Treasurer of this State be and he hereby is directed to pay out of the public Treasury to Solomon Lovell, Esq., the aforesaid sum of seventy-two silver-dollars, which he borrowed and gave his note for to pay eight Indians for piloting and transporting said petitioner and others to Kennebeck-River. [*Passed January 3.*]

## CHAPTER 705.

RESOLVE GRANTING £14. 9s. 2d. TO JACOB WOOD FOR WAGES AND MILEAGE, MIDDLEBOROUGH TO WEST POINT, N. Y.

Legislative  
Records of the  
Council,  
xl., 218.  
Mass.  
Archives,  
ccxxxv., 65.  
Mass.  
Resolves,  
Dec. Session,  
chap. 72.

ON THE PETITION of Jacob Wood, praying that he may draw his wages for three months and eighteen days, also his expences for travelling from Middleborough by the way of Bridgewater to West-Point, in the State of New-York, it being two hundred and forty-five miles: Therefore

*Resolved*, That there be allowed and paid out of the public Treasury of this State, the sum of fourteen Pounds nine Shillings and two Pence, to Mr. Jacob Wood, in full for the above time and mileage. [*Passed January 3.*]

<sup>1</sup> This date is same in Massachusetts Resolves, but January 1 according to Legislative Records of the Council.

<sup>2</sup> Province Laws, xx., 583, chap. 439.



## CHAPTER 706.

RESOLVE PERMITTING ELIAKIM RAYMOND AND BENJAMIN JARVIS TO TRANSPORT SUGAR, WOOL CARDS, COFFEE AND CLOTHING TO CONNECTICUT.

*Resolved*, That Eliakim Raymond and Benjamin Jarvis, have leave to transport three barrels of sugar, three dozen wool-cards, twenty pounds of coffee, and a small box, containing sundry articles of cloathing and other necessities for family use, out of this State into the State of Connecticut; any law of this State notwithstanding. [*Passed January 3.*]

Legislative  
Records of the  
Council,  
xl., 218.  
Mass.  
Archives,  
ccxxv., 458.  
Mass.  
Resolves,  
Dec. Session,  
chap. 69.  
Mass.  
Archives,  
ccxxv., 459.  
Province  
Laws, v., 1114,  
chap. 13.

## CHAPTER 707.

RESOLVE PERMITTING LOAMMI BALDWIN (IN BEHALF OF MR. PEPOON) TO TRANSPORT RUM AND SALT TO CONNECTICUT AND TO LOAD BACK WITH PROVISIONS.

*Resolved*, That Loammi Baldwin, in behalf of Mr. Pepoon of Connecticut, be and he is hereby permitted to transport from this State to the State of Connecticut, two loads of rum and salt, the same teams to be loaded back with provisions; any law of this State to the contrary notwithstanding. [*Passed January 3.*]

Legislative  
Records of the  
Council,  
xl., 219.  
Mass.  
Archives,  
ccxxv., 471.  
Mass.  
Resolves,  
Dec. Session,  
chap. 71.  
Province  
Laws, v., 1114,  
chap. 13.

## CHAPTER 708.

RESOLVE LEASING DWELLING HOUSE AND FARM IN BRAINTREE, PART OF THE ESTATE OF JOHN BORLAND, ESQ., ABSENTEE, DECEASED, TO RICHARD CRANCH, ESQ., AGENT FOR SAME.

ON THE PETITION of Richard Cranch, Agent for the estate of John Borland, Esq., an Absentee, deceased, praying that he may be permitted to hire a dwelling house and small farm in Braintree, (being part of said Borland's estate) for the term of seven years:

*Resolved*, That the prayer of the petition be so far granted that the said Richard Cranch be permitted, after the 1st day of April next, to take possession of and occupy said house and farm for the term of five years from the said 1st day of April 1780, on condition that the said Cranch pay into the public Treasury of this State (on or before the day of his taking possession as aforesaid) the sum of Fifteen Hundred and five Pounds, as a full consideration for the hire of the said house and farm for the said term of five years; he also conforming in all respects during said term to the rules and directions of a resolve of the General Court of February 19th, 1779, relative to the leasing Absentees estates, the term of the lease only excepted.

Provided nevertheless, That if a future General Court shall at any time during said term of five years order the said house and farm to be sold, in that case the said Richard Cranch shall be held and obliged immediately to deliver up the same to the person or persons who may purchase the same, the State to repay him the sum that the then remaining term shall amount to. [*Passed January 4.*]

Legislative  
Records of the  
Council,  
xl., 223.  
Mass.  
Archives,  
ccxxv., 472.  
Mass.  
Resolves,  
Dec. Session,  
chap. 74.  
Mass.  
Archives,  
ccxxv., 473.  
Province  
Laws, xx., 624,  
chap. 540.



## CHAPTER 709.

RESOLVE ALLOWING THE ACCOUNTS OF THE TREASURER OF  
BRISTOL COUNTY.

Legislative  
Records of the  
Council,  
xl., 223.  
Mass.  
Archives,  
ccxxv., 476.  
Mass.  
Resolves,  
Dec. Session,  
chap. 75.

WHEREAS it appears upon examination of the accounts of the Treasurer of the county of Bristol, that all the monies granted and allowed by the Court of General Sessions of the Peace for said county for the year 1778 up to October 26, 1779, were for such purposes and appropriations as the law impowered said Court to grant, and that there is a ballance due to said county of seventy-six Pounds six Shillings and eight Pence, also out-standing money in the several Constables hands in said county the sum of one Hundred and eleven Pounds thirteen Shillings and five Pence, to be accounted for by said Treasurer: Therefore

*Resolved*, That said account be allowed. [*Passed January 4.*]

## CHAPTER 710.

RESOLVE DIRECTING THE REMOVAL OF THE LIBEL OF JAMES OTIS  
OF BARNSTABLE AGAINST THE SCHOONER BETSY, HER CARGO,  
ETC., FROM THE SOUTHERN TO THE MIDDLE DISTRICT MARI-  
TIME COURT.

Legislative  
Records of the  
Council,  
xl., 225.  
Mass.  
Archives,  
ccxxv., 477.  
Mass.  
Resolves,  
Dec. Session,  
chap. 76.

UPON THE PETITION of Benjamin Hitchborn, in behalf of James Otis of Barnstable, in the county of Barnstable, praying that the trial of the cause upon the libel of the said James, against the schooner Betsy, her cargo, &c. now pending in the Maritime Court for the Southern District of this State may be removed to the Maritime Court for the Middle District of said State:

*Resolved*, That said cause, and all the documents and papers respecting the same, be removed from the said Maritime Court for said Southern District, to the said Maritime Court for the said Middle District, and the trial of the Justice of the capture of said schooner and cargo, be had at the said Maritime Court for the said Middle District, next to be holden within the same, in the same manner, as if the said schooner and her cargo had been brought within the said Middle District, and libelled in the said Maritime Court for the said Middle District, and the proceedings had thereon accordingly, any law, usage or custom to the contrary notwithstanding. [*Passed January 4.*]<sup>1</sup>

## CHAPTER 711.

RESOLVES DIRECTING THE COMMISSARY OF ORDNANCE TO LODGE  
A CERTIFICATE OF THE FIREARMS FURNISHED FOR THE PENOB-  
SCOT EXPEDITION IN THE SECRETARY'S OFFICE, MAKING PRO-  
VISION FOR THEIR RETURN BY THE OFFICERS AND MEN, AND  
DIRECTING THE OFFICERS IN MAKING UP THEIR MUSTER ROLLS  
TO INCLUDE ONLY THOSE WHO JOINED BEFORE THE RETREAT.

Legislative  
Records of the  
Council,  
xl., 213.  
Mass.  
Archives,  
ccxxv., 446, 447.

WHEREAS by the Resolve of this Court of September 15th, 1779, for making an establishment for the troops that lately served in the expedition to Penobscot, no provision is made for recovering the fire-arms delivered out on said expedition: Therefore

<sup>1</sup> This date is same in Massachusetts Resolves, but January 5 according to Legislative Records of the Council.



*Resolved*, That the Commissary of ordnance employed on said expedition be and he hereby is directed to certify under his hand, what number of fire-arms he delivered out, and to whom, with a copy of all the receipts he received for said arms, and lodge the same in the Secretary's office, as soon as may be, that the muster-rolls may not be delayed.

Mass.  
Resolves,  
Dec. Session,  
chap. 62.

*Ante*, p. 142,  
chap. 288.

*Resolved*, That the several officers employed in said expedition, who received any fire-arms belonging to the State, stand chargeable to the State for the same, and are hereby directed to call for said arms from the soldiers, to whom they were delivered, and return the same to the Brigadier in the county to which they severally belong, and the said Brigadiers are hereby directed to receive and store said arms until the further order of this Court, and give a receipt therefor to such officers or men from whom they receive such arms, which receipt shall be a proper voucher to the Committee on muster-rolls to make up the pay of such officers and privates as have received and returned the same; and all officers in making up their muster-rolls for the above service, are hereby directed to make up pay for no officer nor private but such as joined the army before the retreat, and to insert in their rolls which of the men therein named (if any) have received a State fire-arm, and whether returned or not returned, and the Committee on rolls are directed that before they pass said rolls to deduct from the wages of each man who has received a fire-arm and not returned it, the sum of twenty-five Pounds as payment for such arms which have been detained: And where any of the aforesaid arms were lost in actual service, and the person who lost the same, making solemn oath before some Justice of peace or Town-Clerk, where no Justice dwells, (who is hereby empowered to administer the same) that the fire-arm or arms in his possession, and belonging to this State was lost in actual service, and that it never was in his power to recover the same again, and also producing a certificate thereof, under the hand of the Justice or Town-Clerk, who shall administer the same, such certificate shall be considered as a sufficient voucher to indemnify him from bearing the loss of such fire-arm, and the Committee on muster-rolls are not to deduct from his wages, the loss of such fire-arm notwithstanding. [*Passed January 5.*<sup>1</sup>]

## CHAPTER 712.

RESOLVE GRANTING £106. 8s. TO GEORGE CREAMER AND JACOB ACHORN FOR HIRE OF A SCHOONER IN 1777.

ON THE PETITION of George Creamer and Jacob Achorn, praying for the hire of a certain schooner employed in carrying Col. Phineas Nevers's troops to Machias, in October 1777:

*Resolved*, That there be paid out of the public Treasury of this State to Messieurs George Creamer and Jacob Achorn the sum of One Hundred and six Pounds eight Shillings, in full for the hire of said schooner and all expences in getting her again. [*Passed January 5.*]

Legislative  
Records of the  
Council,  
xl., 224.  
Mass.  
Resolves,  
Dec. Session,  
chap. 77.

<sup>1</sup> This date is December 31 according to Legislative Records of the Council and Massachusetts Resolves.



## CHAPTER 713.

RESOLVE DIRECTING THE PAYMENT OF THE MUSTER ROLLS OF COL. MITCHELL'S REGIMENT IN THE PENOBSCOT EXPEDITION, DEDUCTING THE GUNS AND CARTRIDGE BOXES DELIVERED SAID REGIMENT.

Legislative  
Records of the  
Council,  
xl., 224.  
Mass.  
Archives,  
ccxv., 480.  
Mass.  
Resolves,  
Dec. Session,  
chap. 78.

ON THE PETITION of Jonathan Mitchell, Colonel of a regiment raised in the county of Cumberland for the Penobscot expedition, praying that he may be empowered to receive the foot of his rolls for said regiment, deducting the guns and cartridge-boxes delivered said regiment:

*Resolved*, That the prayer of his petition be granted, and the Council are hereby requested to grant said Mitchell a warrant on [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer for the foot of his rolls, deducting the guns and cartridge-boxes delivered said regiment. [*Passed January 5.*]

Mass.  
Archives,  
ccxv., 481-  
482b.

## CHAPTER 714.

RESOLVE DIRECTING THE BOARD OF WAR TO SETTLE WITH DANIEL WRIGHT FOR THE LOSS OF HIS SLOOP, HER APPURTENANCES AND BOAT, TAKEN FOR THE PENOBSCOT EXPEDITION.

Legislative  
Records of the  
Council,  
xl., 225.  
Mass.  
Archives,  
ccxv., 487.  
Mass.  
Resolves,  
Dec. Session,  
chap. 83.

ON THE PETITION of Daniel Wright, praying that he may be allowed and paid for a certain sloop, which was his property, and was taken from him by Capt. [James]<sup>2</sup> Johnson [Johnston],<sup>2</sup> of the armed brig Pallas, and employed on the expedition at Penobscot, and was afterwards destroyed with the rest of the vessels on that expedition:

*Resolved*, That the prayer of the petition be so far granted, as that the Board of War be and they are hereby directed to settle with and allow said Wright what they think just and reasonable for said sloop, her appurtenances and boat. [*Passed January 5.*]

Mass.  
Archives,  
ccxv., 486,  
488-492.

## CHAPTER 715.

LETTER TO THE GOVERNOR OF RHODE ISLAND AS TO INIMICAL PERSONS OBTAINING A RESIDENCE THERE.

## In Council

The Committee of both Houses appointed to consider and report a draught of a Letter to the General Assembly of Rhode-Island requesting that they would not permit any person to reside within that State who has been excluded from this State by an Act of the Government thereof: report the annexed draught to [William Green]<sup>3</sup> the Governor of Rhode-Island to be communicated to the General Assembly:

Read and Accepted

In the House of Representatives

Read and Concurred, and the President of the Council is requested to sign the same in the name and behalf of this Court.

Legislative  
Records of the  
Council,  
xl., 226.  
Mass.  
Resolves,  
Dec. Session,  
chap. 81.

<sup>1</sup> Province Laws, xx., 583, chap. 439.

<sup>2</sup> Massachusetts Archives, clxviii., 35.

<sup>3</sup> *Ante*, p. 214, chap. 454.



SIR,

The General Assembly of this State, conceiving that great evil may arise to the United States, from permitting persons inimical to our common cause to reside within them; and having reason to apprehend that certain persons of such character, who by an act of Government are excluded from this State, are meditating a design to obtain a residence within the State of Rhode-Island, have thought it necessary to address you on the subject, and request that you would be pleased to communicate their sentiments to your General Assembly. It is, in the opinion of this Assembly, highly criminal for a citizen to be an indifferent spectator of the miseries of his country, much more so to desert her while struggling for liberty, and still more, to seek refuge in the very time of her conflict in the arms of her cruel and inveterate enemies. It cannot then be thought strange that those who love and reverence their country feel an indignation against the men who have held her safety, her liberty and her honour at so cheap a rate. The injury which this State unavoidably sustains from the acts of too many internal enemies, hath been a sufficient caution against receiving into their own bosom, those who have withdrawn their persons and their aid in the time of distress; and there is less reason for others to expect favour and forgiveness, who having basely betrayed a diffidence in the wisdom and fortitude of their country, and the righteous cause she was contending for, have imagined themselves more secure under the power of its invaders, and fled to them for protection. It is indeed much to be regreted that the greatest vigilance is insufficient to detect the most virulent enemies of the public liberty and bring them to condign punishment. This government however, hath taken every measure which prudence dictated to effect so necessary a purpose. Notorious offenders have been proscribed by the laws and forbidden to return from their voluntary and shameful exile. Mutual interest and mutual friendship most strongly remonstrate against such persons being permitted to reside within any of the sister States. While we are embarked in the same cause, while we are actuated by the same principles and views, while we partake of the same public feeling, and are confederated for the same great purpose of mutual safety and defence, honour and justice forbid us to entertain a suspicion that the State of Rhode-Island would afford shelter and protection to those who have forfeited the rights of citizens in the United States.

In the name and behalf of the General Assembly, I am, &c.

President.

His Excellency [WILLIAM GREEN]<sup>1</sup> the Governor of the }  
State of Rhode-Island and Providence Plantations. }

[January 5.

## CHAPTER 716.

VOTE CHOOSING NATHANIEL BARBER, ESQ., NAVAL OFFICER FOR  
THE PORT OF BOSTON.

In the House of Representatives

The House, by Ballot, made choice of Nathaniel Barber, Esq.,  
as Naval Officer for the Port of Boston for the present Year.

In Council

Read and Concurred. [*Passed January 5.*

Legislative  
Records of the  
Council,  
xl., 227.  
Mass.  
Archives,  
ccxxv., 485.  
Mass.  
Resolves,  
Dec. Session,  
chap. 79.

<sup>1</sup> *Ante*, p. 214, chap. 454.



## CHAPTER 717.

Legislative  
Records of the  
Council,  
xl., 228.  
Mass.  
Archives,  
ccxxv., 484.  
Mass.  
Resolves,  
Dec. Session,  
chap. 79.

VOTE CHOOSING WILLIAM MCCOBB, ESQ., NAVAL OFFICER FOR THE  
PORT OF TOWNSHEND.

In the House of Representatives

The House, by Ballot, made choice of William McCobb, Esq.,  
as Naval Officer for the Port of Townshend for the present Year.

In Council

Read and Concurred. [*Passed January 5.*]

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## CHAPTER 718.

Legislative  
Records of the  
Council,  
xl., 228.  
Mass.  
Archives,  
ccxxv., 483.  
Mass.  
Resolves,  
Dec. Session,  
chap. 79.

VOTE CHOOSING CAPT. STEPHEN SMITH NAVAL OFFICER FOR THE  
PORT OF MACHIAS.

In the House of Representatives

The House, by Ballot, made choice of Capt. Stephen Smith as  
Naval Officer for the Port of Machias for the present Year.

In Council

Read and Concurred. [*Passed January 5.*]

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## CHAPTER 719.

Legislative  
Records of the  
Council,  
xl., 228.  
Mass.  
Archives,  
ccxxvi., 493.  
Mass.  
Resolves,  
Dec. Session,  
chap. 79.

VOTE CHOOSING ICHABOD PLAISTED NAVAL OFFICER FOR THE  
PORT OF NANTUCKET.

In the House of Representatives

The House, by Ballot, made choice of Mr. Ichabod Plaisted as  
Naval Officer for the Port of Nantucket for the present Year.

In Council

Read and Concurred. [*Passed January 5.*]

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## CHAPTER 720.

Legislative  
Records of the  
Council,  
xl., 228.  
Mass.  
Archives,  
ccxxvi., 2.  
Mass.  
Resolves,  
Dec. Session,  
chap. 79.

VOTE CHOOSING EDWARD POPE, ESQ., NAVAL OFFICER FOR THE  
PORT OF DARTMOUTH.

In the House of Representatives

The House, by Ballot, made choice of Edward Pope, Esq., as  
Naval Officer for the Port of Dartmouth for the present Year.

In Council

Read and Concurred. [*Passed January 5.*]

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## CHAPTER 721.

Legislative  
Records of the  
Council,  
xl., 228.  
Mass.  
Archives,  
ccxxvi., 1.  
Mass.  
Resolves,  
Dec. Session,  
chap. 79.

VOTE CHOOSING CAPT. WILLIAM TAYLOR NAVAL OFFICER FOR THE  
PORT OF BARNSTABLE.

In the House of Representatives

The House, by Ballot, made choice of Capt. William Taylor as  
Naval Officer for the Port of Barnstable for the present Year.

In Council

Read and Concurred. [*Passed January 5.*]



## CHAPTER 722.

VOTE CHOOSING THOMAS MAYHEW, ESQ., NAVAL OFFICER FOR THE  
PORT OF PLYMOUTH.

In the House of Representatives

The House, by Ballot, made choice of Thomas Mayhew, Esq.,  
as Naval Officer for the Port of Plymouth for the present Year.

In Council

Read and Concurred. [*Passed January 5.*]

Legislative  
Records of the  
Council,  
xl., 228.  
Mass.  
Archives,  
ccxxv., 494.  
Mass.  
Resolves,  
Dec. Session,  
chap. 79.

## CHAPTER 723.

VOTE CHOOSING NATHAN SMITH NAVAL OFFICER FOR THE PORT  
OF DUKES COUNTY.

In the House of Representatives

The House, by Ballot, made choice of Mr. Nathan Smith as  
Naval Officer for the Port of Dukes County for the present Year.

In Council

Read and Concurred. [*Passed January 5.*]

Legislative  
Records of the  
Council,  
xl., 229.  
Mass.  
Archives,  
ccxxv., 495.  
Mass.  
Resolves,  
Dec. Session,  
chap. 79.

## CHAPTER 724.

VOTE CHOOSING CAPT. WILLIAM NICHOLS NAVAL OFFICER FOR  
THE PORT OF GOULDSBOROUGH.

In the House of Representatives

The House, by Ballot, made choice of Capt. William Nichols as  
Naval Officer for the Port of Gouldsbrough for the present Year.

In Council

Read and Concurred. [*Passed January 5.*]

Legislative  
Records of the  
Council,  
xl., 229.  
Mass.  
Archives,  
ccxxv., 496.  
Mass.  
Resolves,  
Dec. Session,  
chap. 79.

## CHAPTER 725.

VOTE CHOOSING CAPT. NICHOLAS CROSBY NAVAL OFFICER FOR  
THE PORT OF PENOBSCOT.

In the House of Representatives

The House, by Ballot, made choice of Capt. Nicholas Crosby as  
Naval Officer for the Port of Penobscot for the present Year.

In Council

Read and Concurred. [*Passed January 5.*]

Legislative  
Records of the  
Council,  
xl., 229.  
Mass.  
Archives,  
ccxxv., 497.  
Mass.  
Resolves,  
Dec. Session,  
chap. 79.

## CHAPTER 726.

VOTE CHOOSING THOMAS CHILD NAVAL OFFICER FOR THE PORT  
OF FALMOUTH.

In the House of Representatives

The House, by Ballot, made choice of Mr. Thomas Child as  
Naval Officer for the Port of Falmouth for the present Year.

In Council

Read and Concurred. [*Passed January 5.*]

Legislative  
Records of the  
Council,  
xl., 229.  
Mass.  
Archives,  
ccxxv., 498.  
Mass.  
Resolves,  
Dec. Session,  
chap. 79.



## CHAPTER 727.

Legislative  
Records of the  
Council,  
xl., 229.  
Mass.  
Archives,  
ccxxv., 499.  
Mass.  
Resolves,  
Dec. Session,  
chap. 79.

VOTE CHOOSING TRISTRAM JORDAN, ESQ., NAVAL OFFICER FOR  
THE PORT OF PEPPERRELLBOROUGH.

In the House of Representatives

The House, by Ballot, made choice of Tristram Jordan, Esq.,  
as Naval Officer for the Port of Pepperilborough [Pepperrell-  
borough]<sup>1</sup> for the present Year.

In Council

Read and Concurred. [*Passed January 5.*]

## CHAPTER 728.

Legislative  
Records of the  
Council,  
xl., 229.  
Mass.  
Archives,  
ccxxv., 500.  
Mass.  
Resolves,  
Dec. Session,  
chap. 79.

VOTE CHOOSING CAPT. RICHARD TREVET NAVAL OFFICER FOR  
THE PORT OF YORK.

In the House of Representatives

The House, by Ballot, made choice of Capt. Richard Trevet as  
Naval Officer for the Port of York for the present Year.

In Council

Read and Concurred. [*Passed January 5.*]

## CHAPTER 729.

Legislative  
Records of the  
Council,  
xl., 230.  
Mass.  
Archives,  
ccxxvi., 3.  
Mass.  
Resolves,  
Dec. Session,  
chap. 79.

VOTE CHOOSING CAPT. MICHAEL HODGE NAVAL OFFICER FOR  
THE PORT OF NEWBURYPORT.

In the House of Representatives

The House, by Ballot, made choice of Capt. Michael Hodge as  
Naval Officer for the Port of Newbury-Port for the present Year.

In Council

Read and Concurred. [*Passed January 5.*]

## CHAPTER 730.

Legislative  
Records of the  
Council,  
xl., 230.  
Mass.  
Archives,  
ccxxvi., 4.  
Mass.  
Resolves,  
Dec. Session,  
chap. 79.

VOTE CHOOSING SAMUEL WHITTEMORE, ESQ., NAVAL OFFICER FOR  
THE PORT OF GLOUCESTER.

In the House of Representatives

The House, by Ballot, made choice of Samuel Whittemore, Esq.,  
as Naval Officer for the Port of Gloucester for the present Year.

In Council

Read and Concurred. [*Passed January 5.*]

## CHAPTER 731.

Legislative  
Records of the  
Council,  
xl., 230.  
Mass.  
Archives,  
ccxxvi., 5.  
Mass.  
Resolves,  
Dec. Session,  
chap. 79.

VOTE CHOOSING JOHN GERRY NAVAL OFFICER FOR THE PORT OF  
MARBLEHEAD.

In the House of Representatives

The House, by Ballot, made choice of Mr. John Gerry as Naval  
Officer for the Port of Marblehead for the present Year.

In Council

Read and Concurred. [*Passed January 5.*]

<sup>1</sup> Province Laws, iv., chap. 3.



## CHAPTER 732.

## VOTE CHOOSING WARWICK PALFREY NAVAL OFFICER FOR THE PORT OF SALEM.

In the House of Representatives

The House, by Ballot, made choice of Mr. Warwick Palfrey as Naval Officer for the Port of Salem for the present Year.

In Council

Read and Concurred. [*Passed January 5.*]

Legislative  
Records of the  
Council,  
xl., 230.  
Mass.  
Archives,  
cexxvi., 6.  
Mass.  
Resolves,  
Dec. Session,  
chap. 79.

## CHAPTER 733.

## RESOLVE GRANTING ADDITIONAL PAY TO THE HON. JOHN HANCOCK, ESQ., AS SPEAKER OF THE HOUSE OF REPRESENTATIVES.

*Resolved*, That there be allowed and paid out of the Treasury of this State to the Honorable John Hancock, Esq., Speaker of the House of Representatives, the sum of thirty Shillings per day, for each days attendance as such, in May and September sessions, three Pounds per day, for each day in November session, and three Pounds fifteen Shillings for each day in December session, over and above his pay as a Member of the same. [*Passed January 5.*]

Legislative  
Records of the  
Council,  
xl., 230.  
Mass.  
Archives,  
cexxvi., 7.  
Mass.  
Resolves,  
Dec. Session,  
chap. 84.

## CHAPTER 734.

## RESOLVES REQUIRING THE TREASURER AND RECEIVER-GENERAL AND THE COMMISSARY-GENERAL TO GIVE BONDS.

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the person who was yesterday chosen by this Court into the office of Treasurer and Receiver-General for this State for the present year, shall not be esteemed duly qualified to enter upon the execution of that office, until he first shall have an oath administred to him for his faithful performance of the trust of his office, and shall have given bond with sufficient sureties to the acceptance of a committee to be appointed by this Court for that purpose, in the sum of One Hundred and fifty Thousand Pounds, said bond to be made payable to the three eldest Councillors for the time being, in behalf of this State, and shall be conditioned for such Treasurer's duty and faithfully discharging the duty of his office according to law: Also

*Resolved*, That [Richard Devens, Esq.,]<sup>1</sup> the Commissary-General before he enters upon the execution of his office shall have an oath administred to him for his faithful performance of the duties of his office, and shall give bond with sufficient sureties to the Treasurer of this State in the sum of Fifteen Thousand Pounds, conditioned for his faithful discharge of his office. [*Passed January 5.*]

Legislative  
Records of the  
Council,  
xl., 231.  
Mass.  
Archives,  
cexxvi., 8.  
Mass.  
Resolves,  
Dec. Session,  
chap. 80.

Legislative  
Records of the  
Council,  
xl., 220 bis.

<sup>1</sup> Legislative Records of the Council, xl., 220.



## CHAPTER 735.

RESOLVE DIRECTING THE COMMITTEE TO CALL UPON PERSONS INDEBTED TO THIS STATE TO CALL UPON SETH WASHBURN AND OTHERS TO SETTLE THEIR ACCOUNTS.

Legislative  
Records of the  
Council,  
xl., 232.  
Mass.  
Archives,  
ccxxvi., 9.  
Mass.  
Resolves,  
Dec. Session,  
chap. 82.

WHEREAS it appears that Seth Washburne, Nathaniel Wilson, Abner Rawson, John Haven and John Ball, a Committee of Worcester, did receive Three Thousand five Hundred and eighty Pounds, and Abner Rawson, Nathaniel Wilson, William Page, Nicholas Dike, Amos Singletary and John Ball, did severally receive certain sums out of the Treasury of this State, for certain purposes, which sums do not appear wholly to be accounted for: Therefore

*Resolved*, That the Committee (appointed to call upon the several persons appearing to be indebted for money received) be directed to call upon the several persons above mentioned, to settle and account for the several sums which they received. [*Passed January 5.*]

## CHAPTER 736.

RESOLVE REPEALING PART OF A RESOLVE PASSED NOVEMBER 25<sup>TH</sup> LAST RESPECTING A SETTLEMENT WITH THE COMMITTEE OF THE ARMY.

Legislative  
Records of the  
Council,  
xl., 162.  
Mass.  
Archives,  
ccxxvi., 10.  
Mass.  
Resolves,  
Nov. Session,  
chap. 144.

*Ante*, p. 262,  
chap. 558.

WHEREAS in and by a resolution, which passed this Court the 25th of November last, prescribing to a Committee appointed for that purpose, a mode for adjusting and settling accounts with the officers and soldiers of the Continental army, it is among other things, Resolved, That the Securities or Treasurers Notes which may be given to them in payment of their respective ballances shall be exchanged, and current money given therefor by any of the Collectors or Constables in this State, allowing the principal and interest due at the time of such exchange at which time the interest shall cease, and the Treasurer of this State is also directed to receive such Notes in payment for any taxes, allowing the interest due thereon at the time they were exchanged by such Collector or Constable, which resolution, if carried into execution, would in its operation take up the whole of the money that may be collected by means of the last and present tax-act, and thereby totally disenable [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State from paying into the Continental Treasury, this State's proportion or quota of the Continental tax, which must essentially affect the credit of this State, greatly embarrass the public measures, as well as be attended with many other pernicious consequences: Therefore

*Resolved*, That the Resolve of the General Assembly of the 25th of November last, so far as it relates to the making provision for the securities or Treasurer's Notes, before mentioned, being exchanged or current monies being given for the same by the Collectors and Constables, and so far as it relates to the Treasurer's receiving them in lieu of taxes, be and hereby is repealed and made null and void. [*Passed January 6.*]<sup>2</sup>

<sup>1</sup> Province Laws, xx., 583, chap. 439.

<sup>2</sup> This date is December 6 according to Legislative Records of the Council and Massachusetts Resolves.



## CHAPTER 737.

RESOLVE PERMITTING JOHN CALDWELL AND OTHERS TO TRANSPORT RUM AND SALT FROM MENDON AND DOUGLAS TO CONNECTICUT.

ON THE PETITION of Edward Rawson in behalf of John Caldwell, Theodore Hopkins and George Merrills of Hartford, in the State of Connecticut, praying for a permit to transport fifteen tierces and two hogsheads of N. E. rum, and one tierce and two casks of salt out of this State into the State of Connecticut, for the reasons mentioned in the petition:

*Resolved*, That John Caldwell, Theodore Hopkins and George Merrills be and they hereby are permitted to transport out of this State from Otis Whipple's store in Mendon, three tierces of N. E. rum, and one tierce of salt, and from Peter Read's store in Douglas, twelve tierces and two hogsheads of N. E. rum, and two casks of salt, into the State of Connecticut, for reasons mentioned in the petition; any act or law of this State to the contrary notwithstanding. [*Passed January 6.*]

Legislative  
Records of the  
Council,  
xl., 232.  
Mass.  
Archives,  
cexxvi., 11.  
Mass.  
Resolves,  
Dec. Session,  
chap. 85.

Mass.  
Archives,  
cexxvi., 12.  
Province  
Laws, v., 1114,  
chap. 13.

## CHAPTER 738.

RESOLVE DIRECTING THE ASSESSORS OF FRYEBURG TO ASSESS THE POLLS AND RATEABLE ESTATES ASSIGNED THEM IN THE TAX OF JUNE LAST AND TO STAY PROCEEDINGS UPON THE LAST TAX-ACT.

WHEREAS the Assessors of the town of Fryburg did not receive the requisition from the General Court, ordering them to render an account of the polls and rateable estates within said town, 'till after the last valuation was settled; and upon being since required thereto, the said Assessors have returned to this Court a fair list of said polls and rateable estates, from which it appears that said town is greatly injured by the sums at which they are assessed in the two last tax-acts, provided the rateable property in said town is set by said Assessors in a just and equal proportion, according to its real worth, with the rateable property in the other parts of the county in which said town of Fryburg lies: Therefore

*Resolved*, That the Assessors of the town of Fryburg be and they hereby are directed to assess the polls and rateable estates within said town the sums assigned to them in the tax-act of June last. And said Assessors are directed to stay all proceedings upon the last tax-act till a revision of the valuation shall take place. [*Passed January 6.*]

Legislative  
Records of the  
Council,  
xl., 233.  
Mass.  
Archives,  
cexxvi., 13.  
Mass.  
Resolves,  
Dec. Session,  
chap. 87.

## CHAPTER 739.

RESOLVE DIRECTING THE BOARD OF WAR TO FURNISH COL. ALLAN WITH BREAD, RICE, FLOUR, POWDER, ETC., FOR THE INDIANS AT MACHIAS.

WHEREAS it is of very great importance that the Indians in the Eastern Department be retained in the interest of these States: Therefore

*Resolved*, That the Board of War be and hereby are directed to exert themselves in every possible measure to procure the following

Legislative  
Records of the  
Council,  
xl., 233.  
Mass.  
Archives,  
cxliv., 437.  
Mass.  
Resolves,



Dec. Session,  
chap. 86.

Mass.  
Archives,  
cxliv., 437.

articles, and send them to Col. [John]<sup>1</sup> Allen [Allan]<sup>1</sup> or his order, for the supply of the Indians at Machias, viz. Five Thousand pound weight of bread, four Thousand pounds of rice, ten barrels of flour, one Thousand pounds of powder, three Thousand pounds of duck shot, three Thousand pounds of ball, three Thousand flints, one Hundred blankets, ten pieces of strouds, and five Hundred bushels of corn. [*Passed January 6.*]

## CHAPTER 740.

RESOLVE STAYING CIVIL ACTION OF JAMES LITTLEFIELD AGAINST MAJ. GEORGE STILLMAN FOR SEIZURE OF VESSEL NEAR MACHIAS UNTIL THE LIBEL AGAINST SAID VESSEL IS DETERMINED IN THE MARITIME COURT.

Legislative  
Records of the  
Council,  
xl., 234.  
Mass.  
Archives,  
ccxxvi., 17.  
Mass.  
Resolves,  
Dec. Session,  
chap. 91.

Mass.  
Archives,  
ccxxvi., 16.

WHEREAS it appears to this Court that a certain vessel commanded by James Littlefield, was lately seized at or near Machias, by Maj. George Stillman, in consequence of orders from Col. John Allan, the commanding officer there, on suspicion of her being employed in an illicit trade with the enemy, and the said vessel has since been libelled, and trial remains to be had touching the premises in the Maritime Court in the Eastern department. And whereas the said Littlefield hath commenced a suit in law against the said Stillman for damages accruing from the detention of his person and vessel as aforesaid: Therefore

*Resolved*, That the said action or suit against the said Stillman be stayed until the trial aforesaid in the Maritime Court shall be had and determined, and a copy of the proceedings of the said Court be laid before the General Assembly for further consideration. [*Passed January 7.*]<sup>2</sup>

## CHAPTER 741.

RESOLVE MAKING AN ESTABLISHMENT FOR THE CHAPLAIN OF THE PENOBSCOT EXPEDITION.

Legislative  
Records of the  
Council,  
xl., 234.  
Mass.  
Archives,  
ccxxvi., 14.  
Mass.  
Resolves,  
Dec. Session,  
chap. 92.

WHEREAS it appears to this Court that there is no establishment for the Chaplain who served in the campaign at Penobscot: Therefore

*Resolved*, That there be allowed and paid out of the public Treasury of this State to the abovesaid Chaplain, the sum of forty Pounds per calendar month, in addition to the Continental pay and rations. [*Passed January 7.*]

## CHAPTER 742.

RESOLVE DIRECTING THE COMMITTEE APPOINTED TO SETTLE THE ACCOUNTS OF THE ARMY TO RECKON TOWN AND INDIVIDUAL BOUNTIES.

Legislative  
Records of the  
Council,  
xl., 235.  
Mass.  
Archives,  
ccxxvi., 18.

WHEREAS it is just and reasonable that all advances which have been made to that part of the army raised in this State, in consequence of the high prices of the necessaries of life, should be taken into the account when their wages are made good: Therefore

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, i., 130.

<sup>2</sup> This date is same according to Massachusetts Resolves, but January 6 according to Legislative Records of the Council.



*Resolved*, That the Committee who have been appointed to settle the accounts of the army, be and they hereby are directed to reckon to the account of any non-commissioned officer or private soldier, any bounties they have or may have received from any town or individual person in this State, provided a proper return of the same is made agreeable to the orders of this Court; the Resolve of November 25, 1779, to the contrary notwithstanding. [*Passed January 7.*]

Mass.  
Resolves,  
Dec. Session,  
chap. 93.  
  
Ante, p. 262,  
chap. 558.

## CHAPTER 743.

### RESOLVE GRANTING £60 EACH TO THOMAS GOSTLING AND OTHER SOLDIERS IN THE CONTINENTAL ARMY.

ON THE PETITION of Thomas Goslin [Gostling]<sup>1</sup> of Col. [John]<sup>2</sup> Brooks's regiment, Capt. [Jonas]<sup>2</sup> Parker's company; John Leathergow [Lethego]<sup>1</sup> of Col. [Thomas]<sup>3</sup> Marshall's regiment, Capt. [Samuel]<sup>3</sup> King's company; Thomas Radford of Col. [Michael]<sup>4</sup> Jackson's regiment, Capt. [James]<sup>4</sup> Keeth's [Keith's]<sup>4</sup> company; William Welch of Col. [Thomas]<sup>5</sup> Nickson's [Nixon's]<sup>5</sup> regiment, Capt. [Abel]<sup>5</sup> Holden's company; Jonathan Farham [Farnham]<sup>6</sup> and William Persons of Col. [John]<sup>7</sup> Baley's [Bailey's]<sup>7</sup> regiment, Capt. [Judah]<sup>7</sup> Lord's [Alden's]<sup>7</sup> company:

Legislative  
Records of the  
Council,  
xl., 235.  
Mass.  
Archives,  
ccxxvi., 19.  
Mass.  
Resolves,  
Dec. Session,  
chap. 88.  
  
Mass.  
Archives,  
ccxxvi., 20.

*Resolved*, That there be allowed and paid out of the public Treasury of this State to each of the above named Thomas Goslin [Gostling]<sup>1</sup> and others, the sum of sixty Pounds, and the same be charged to their account in the general settlement with the army. [*Passed January 7.*]

## CHAPTER 744.

### RESOLVE DIRECTING THE SELECTMEN AND COMMITTEES OF TOWNS AND PLANTATIONS TO MAKE RETURNS OF BOUNTIES PAID CONTINENTAL SOLDIERS ON PENALTY OF ONE HUNDRED POUNDS.

WHEREAS notwithstanding a Resolve of the General Court of the 8th day of October last, requiring the Selectmen and Committees of the several Towns and Plantations within this State, that they return into the Secretary's office an account of the bounties paid to the soldiers of the Continental army that inlisted for three years or during the war, of their respective towns, &c. either paid by said Towns or by any particular person or persons, agreeable to the former Resolve aforesaid.

Legislative  
Records of the  
Council,  
xl., 236.  
Mass.  
Archives,  
ccxxvi., 21.  
Mass.  
Resolves,  
Dec. Session,  
chap. 90.  
  
Ante, p. 222,  
chap. 470.

And whereas many Towns have not made returns, whereby great inconveniences will arise in settling with the army if said returns be not made immediately: Therefore

*Resolved*, That the Selectmen and Committees, &c. of such Towns and Plantations who have not made returns into the Secretary's office, that they forthwith make the same, or that they will incur the penalty of one Hundred Pounds, as a fine, agreeable to the Resolve of the 8th day of October last aforesaid. [*Passed January 7.*]

<sup>1</sup> Massachusetts Archives, ccxxvi., 20.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vi., 652.

<sup>3</sup> *Ibid.*, ix., 715.

<sup>4</sup> *Ibid.*, xii., 900.

<sup>5</sup> *Ibid.*, xvi., 817.

<sup>6</sup> Massachusetts Archives, ccxxvi., 20.

<sup>7</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, v., 515.



## CHAPTER 745.

RESOLVE DIRECTING THE BOARD OF WAR, COMMITTEE ON MUSTER ROLLS AND COMMITTEE ON ACCOUNTS TO COMPLETE THE ACCOUNTS OF THE PENOBSCOT EXPEDITION AND LODGE THEM WITH THE SECRETARY SO THAT THE COUNCIL MAY TRANSMIT THEM TO CONGRESS FOR PAYMENT.

Legislative  
Records of the  
Council,  
xl., 236.  
Mass.  
Archives,  
ccxxvi., 22.  
Mass.  
Resolves,  
Dec. Session,  
chap. 89.

*Ante*, p. 216,  
chap. 459.

THE COMMITTEE appointed to take into consideration the Report of the Committee of both Houses respecting the necessity of making application to Congress relative to the Penobscot expedition, are of the opinion that it will be inexpedient to make any further application to Congress, relative to this matter, until the accounts of the expenditures that were occasioned by said expedition are completed: Therefore

*Resolved*, That the Board of War, the Committee on Muster rolls, and the Committee on Accounts, be and hereby are accordingly directed to compleat, as far as they are able, with all possible expedition, the several charges arising from the Penobscot expedition to them respectively exhibited, and lodge them with the Secretary, and that the Major Part of the Council be requested to transmit them to Congress, and also to write to Congress, soliciting in the name and behalf of this State the payment of the same. [*Passed January 7.*]

## CHAPTER 746.

RESOLVE DIRECTING THE TREASURER TO SUSPEND SENDING HIS EXECUTIONS TO THE COLLECTORS OF PLYMOUTH UNTIL THE 14TH OF FEBRUARY NEXT.

Legislative  
Records of the  
Council,  
xl., 239.  
Mass.  
Archives,  
ccxxvi., 25.  
Mass.  
Resolves,  
Dec. Session,  
chap. 94.

WHEREAS it is represented to this Court that by unavoidable misfortunes the Assessors of the Town of Plymouth were unable to make their rates (in season) which were payable into the public Treasury on the 1st of January instant:

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be and he hereby is directed to suspend sending his Executions to the Collectors of the town of Plymouth until the 14th day of February next, and no longer, any Resolve of this Court to the contrary notwithstanding. [*Passed January 8.*]

## CHAPTER 747.

RESOLVE EMPOWERING MARY LORING, GUARDIAN OF ISRAEL, THOMAS, BETTY AND EUNICE LORING, MINORS, TO MAKE SALE OF LAND IN HINGHAM TO ENABLE HER TO BRING UP AND EDUCATE SAID CHILDREN.

Legislative  
Records of the  
Council,  
xl., 241.  
Mass.  
Archives,  
ccxxvi., 28.  
Mass.  
Resolves,  
Dec. Session,  
chap. 96.

Mass.  
Archives,  
ccxxvi., 29, 30.

ON THE PETITION of Mary Loring, guardian to Israel, Thomas, Betty and Eunice Loring, minors, under the age of fourteen years, praying that she may be impowered to make sale of about half an acre of land in the town of Hingham, given to said children by Jacob Loring, late of said Hingham, deceased, to enable her to bring up and educate her said children:

*Resolved*, That the said Mary Loring, in her said capacity of guardian, be and she hereby is impowered to make sale of said half an acre of land in the town of Hingham, for the most it will fetch,

<sup>1</sup> Province Laws, xx., 583, chap. 439.



and execute a good deed or deeds of the same, to the purchaser or purchasers, she observing the rules and directions of the law prescribed to executors and administrators in selling real estates, and giving caution to the Judge of Probate for the county of Suffolk, that the neat proceeds thereof shall be disposed of according to law. [*Passed January 10.*]

Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 748.

RESOLVE GRANTING £100 TO SUTTAL ALEXANDER TO SUPPORT HIM AND HIS FAMILY THROUGH THE WINTER.

ON THE PETITION of Sartell [Suttal]<sup>1</sup> Alexander, of Penobscot township, No. 1, praying that some relief may be granted to him to support his family in his present deplorable case:

*Resolved*, That the prayer of the petition be so far granted as that there be paid out of the Treasury of this State to Sartell Alexander, the sum of One Hundred Pounds, to enable him to support his family through the Winter. [*Passed January 11.*<sup>2</sup>]

Legislative  
Records of the  
Council,  
xl., 204.  
Mass.  
Archives,  
ccxxvi., 32.  
Mass.  
Resolves,  
Dec. Session,  
chap. 53.  
Mass.  
Archives,  
ccxxvi., 33.

## CHAPTER 749.

RESOLVES VESTING JONATHAN LORING AUSTIN, ESQ., AGENT TO NEGOTIATE A FOREIGN LOAN OF £150,000 STERLING, WITH FULL POWERS AND GRANTING HIM £400 STERLING AND HIS NECESSARY EXPENSES.

WHEREAS this Court have determined to negotiate a Loan or Credit (in Europe) for a sum not exceeding One Hundred and Fifty Thousand Pounds, Sterling, and have appointed Jonathan Loring Austin, Esq.,<sup>3</sup> an Agent for that purpose: Therefore

*Resolved*, That Jonathan Loring Austin, Esq., be and hereby is accordingly vested with full powers to negotiate said Loan and to pledge the faith of this Government for the repayment of the same and to prosecute the Business agreeable to the Instructions he may receive from this Court, and the Honorable Council are hereby requested to Commission him accordingly and it is further

*Resolved*, That there be allowed to the said Jonathan Loring Austin, Esq., Four Hundred Pounds, Sterling, as a Compensation for his Services and also his reasonable Expences paid and that he have Liberty to receive in Europe out of the Loan or Credit so obtain'd the sum of Four Hundred Pounds, Sterling, over and above his Expences and also such further sum as will be necessary to furnish the ship Protector with any Articles that may be wanted for her in Europe, and which he is hereby impowered to furnish accordingly. And it is also

*Resolved*, That any Balance that may be due to the said Jonathan Loring Austin, Esq., shall be paid on his return to this State at the rate of Exchange as it may then be, and that he lay his accounts before the General Court for Adjustment. [*Passed January 11.*<sup>4</sup>]

Legislative  
Records of the  
Council,  
xl., 238.  
Mass.  
Archives,  
ccclxxv., 71.  
Mass.  
Archives,  
ccclxxv., 66,  
70a, 72.  
Legislative  
Records of the  
Council,  
xl., 238, 239.  
*Ante*, p. 326,  
chap. 702.

<sup>1</sup> Massachusetts Archives, ccxxvi., 33.

<sup>2</sup> This date is December 28 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>3</sup> Chosen January 8. — Legislative Records of the Council, xli., 238.

<sup>4</sup> This date is January 8 according to Legislative Records of the Council.



## CHAPTER 750.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER AXES, ETC., TO PELEG WADSWORTH, ESQ., IN LIEU OF THOSE HE DELIVERED TO WATERMAN THOMAS, ESQ., COMMISSARY AND QUARTERMASTER AT CAMDEN.

Legislative  
Records of the  
Council,  
xl., 240.  
Mass.  
Archives,  
ccxxvi., 26.  
Mass.  
Resolves,  
Dec. Session,  
chap. 95.

Mass.  
Archives,  
ccxxvi., 27.

*Resolved*, That the Board of War be and hereby are directed to deliver Peleg Wadsworth, Esq., seven axes, fifteen pounds of iron, one hundred and ninety-eight pound of pot-iron, six beef barrels, three quires of paper, one blank book, containing three quires of paper, fifty-seven and half bushels of salt, (deducting the customary freight and wastage, and to deliver home-made salt in lieu thereof or foreign salt in proportion) which said Wadsworth delivered to Waterman Thomas, Esq., Commissary and Quartermaster at Campden, for the use of the troops at that post, August 30th, 1779, the said Commissary Thomas to account with the Board of War for said articles. [*Passed January 11.*]<sup>1</sup>

## CHAPTER 751.

RESOLVE DIRECTING THE COMMITTEE ON PAY ROLLS TO EXAMINE AND ALLOW THE PAY ROLL OF ELISHA RUGGLES AND SIXTEEN OTHERS FOR SERVICE IN RHODE ISLAND, THE SAME TO BE CHARGED TO THE CONTINENTAL ACCOUNT.

Legislative  
Records of the  
Council,  
xl., 241.  
Mass.  
Archives,  
ccxxvi., 38.  
Mass.  
Resolves,  
Dec. Session,  
chap. 97.

Province  
Laws, xx., 441,  
chap. 55.

THE COMMITTEE appointed to consider and report how payment shall be made to such of the soldiers raised by a Resolve, passed June 12, 1778, for the State of Rhode-Island, that have not received their Continental wages:

*Resolved*, That the Committee on pay-rolls examine the pay-roll of Elisha Ruggles and sixteen others, in said roll for allowance and pay; and that the same be paid out of the Treasury of this State, and the same to be charged to the Continental account. [*Passed January 11.*]

## CHAPTER 752.

RESOLVE AUTHORIZING THE COUNCIL TO ISSUE WARRANTS FOR £30,000 IN FAVOR OF THE COMMITTEE OF ACCOUNTS.

Legislative  
Records of the  
Council,  
xl., 242.  
Mass.  
Archives,  
ccxxvi., 39.  
Mass.  
Resolves,  
Dec. Session,  
chap. 101.

WHEREAS it appears to this Court that the Committee for paying accounts are likely to expend the money appropriated for that purpose before the next sitting of the General Court: Therefore

*Resolved*, That the Honorable Council be and they are hereby authorized to issue their warrants on [Henry Gardner, Esq.,]<sup>2</sup> the Treasurer of this State, in favour of said Committee, for such sum or sums of money as they (the Council) shall think necessary for paying accounts, provided the amount of such warrants do not exceed the sum of Thirty Thousand Pounds, said Committee to be accountable for the expenditure of the same. [*Passed January 11.*]

<sup>1</sup> This date is January 10 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>2</sup> Province Laws, xx., 583, chap. 439.



## CHAPTER 753.

VOTE RECOMMENDING PAYMENT OF £600 TO PETER TUFTS OF CHARLESTOWN FOR RENT OF HIS HOUSE AND DAMAGE DONE BY THE TROOPS OF THE CONVENTION.

THE COMMITTEE of both Houses to whom was referred the consideration of so much of the Resolve which passed the 7th day of December, for paying the rent of the houses procured at Charlestown for the troops of the Convention, and damages done the same, as relates to Peter Tufts and report, have attended that service, and report as the opinion of said Committee: That the sum of Six Hundred Pounds be paid to the said Peter Tufts, as recommended by the said Resolve of the General Court the 7th of December, 1779.

Which is submitted

WILLIAM SPOONER per Order

Read and accepted. [*Passed January 11.*]

Legislative  
Records of the  
Council,  
xl., 242.  
Mass.  
Archives,  
ccxxvi., 40.  
Mass.  
Resolves,  
Dec. Session,  
chap. 98.

Mass.  
Archives,  
ccxxvi., 41.  
*Ante*, p. 295,  
chap. 632.

## CHAPTER 754.

RESOLVE REQUESTING THE OVERSEERS OF THE POOR OF BOSTON TO TAKE INTO THEIR CARE MOSES MCINTOSH, AN INCAPACITATED SOLDIER, CHARGING THE SAME TO THE STATE.

WHEREAS it appears by a Resolve of this Court of February 1778, that the Commanding Officer of Castle-Island was directed to receive Moses McIntosh (who was formerly a sergeant there) into the pay and service of this State at said island, to do duty and receive pay and rations as other private soldiers in said garrison; and as said McIntosh, by reason of old age and bodily infirmities is incapacitated for further services to the State: Therefore

*Resolved*, That the Overseers of the Poor of the town of Boston be requested to take into their care and keeping Moses McIntosh, and charge the expences to this State, and exhibit their accounts to the Honorable Council for the payment thereof. [*Passed January 11.*]

Legislative  
Records of the  
Council,  
xl., 242.  
Mass.  
Archives,  
ccxxvi., 42.  
Mass.  
Resolves,  
Dec. Session,  
chap. 100.

Province  
Laws, xx., 272,  
chap. 716.

## CHAPTER 755.

RESOLVE EMPOWERING COL. CHASE, CONTINENTAL DEPUTY QUARTERMASTER GENERAL, TO TAKE 45 CORDS OF FIREWOOD OUT OF DAVIS HATCH'S SLOOP SUSANNAH FOR USE OF THE GUARDS IN AND ABOUT BOSTON.

THE COMMITTEE of both Houses appointed to consider the memorial of Thomas Chase, Esq., setting forth the distress the guards in and about the town of Boston are in for want of firewood, beg leave to report, That, upon a Representation made by the Committee of Correspondence, &c. of the said town of Boston, it appears that a sloop called the Susannah, now lying in the port of Boston, commanded by Davis Hatch, is loaded, among other things, with about forty-five cord of firewood, which the said Hatch says is bound to Rhode-Island, the Committee therefore submit the following Resolution to the consideration of the two Houses: viz.

*Resolved*, That Thomas Chase, Esq., Continental Deputy Quartermaster General, be and he hereby is authorized and empowered to take the said fire-wood out of the said sloop Susannah, for the use of the guards aforesaid, paying to the said Davis Hatch the market price for the same. [*Passed January 11.*]

Legislative  
Records of the  
Council,  
xl., 243.  
Mass.  
Archives,  
ccxxvi., 41.  
Mass.  
Resolves,  
Dec. Session,  
chap. 102.

Mass.  
Archives,  
ccxxvi., 45-47.



## CHAPTER 756.

Legislative  
Records of the  
Council,  
xl., 243.  
Mass.

Archives,  
ccxxvi., 50.  
Mass.  
Resolves,  
Dec. Session,  
chap. 99.

RESOLVE GRANTING £800 TO HANNAH WINTHROP, WIDOW OF JOHN WINTHROP, ESQ., HOLLISIAN PROFESSOR OF MATHEMATICS AT HARVARD COLLEGE.

*Resolved*, That there be paid out of the public Treasury the sum of Eight Hundred Pounds to Hannah Winthrop, widow and executrix of the last will of the late John Winthrop, Esq., Hollisian Professor of the Mathematics of Harvard-College, for five months service of the said John Winthrop in said office, in the year 1779. [*Passed January 11.*]

## CHAPTER 757.

RESOLVE REQUESTING THE PRESIDENT OF THE COUNCIL TO SIGN THE INSTRUCTIONS TO THE AGENT TO NEGOTIATE A FOREIGN LOAN, THE COMMITTEE, AND THE COMMANDER OF THE SHIP PROTECTOR.

Mass.  
Archives,  
ccxxxv., 60,  
75, 76.

Mass.  
Archives,  
ccxxxv., 67, 70.  
*Ante*, p. 343,  
chap. 749.

THE COMMITTEE of both Houses appointed to Consider and Report what Instructions are proper to be given to [Jonathan Loring Austin, Esq.,]<sup>1</sup> the Agent appointed to negotiate a Loan in Holland, &c., &c., have attended the Service and beg leave to Report the draft of a Letter containing Instructions to the Person appointed to negotiate a Loan and likewise Instructions to the Committee referred to in this appointment as also Instructions to the Commander of the Ship Protector. Your Committee further Report a Resolve for vesting the Agent above referred to with powers to transact the Business assigned him and for making him an allowance for his services while engaged in the Business.

All of which is submitted

THOMAS CUSHING per Order

In Council

Read and thereupon

*Resolved*, That the President of the Council be and hereby is requested to sign the Instructions to the Agent, to the Committee referred to in this Appointment and also the Instructions to [John Foster Williams]<sup>2</sup> the Commander of the Ship Protector in the Name and behalf of the General Assembly of this State Aforesaid

In the House of Representatives

Read and the House concur the draught of Instructions to the Agent and Committee with the amendments respectively annexed

In Council

Read and Concurred

In the House of Representatives

Read and Concurred. [*Passed January 11.*]

[The letters to the Agent and Committee follow, that to the Captain of the Ship Protector is not in Massachusetts Archives.]

BOSTON, January 11, 1780.

MR. JONATHAN LORING AUSTIN:

SIR,

The General Assembly having appointed you their Agent to negotiate a Loan in Europe upon the Credit and for the use of this Government, you are as soon as possible to proceed to France in the Ship Protector or any other suitable Vessel bound for France or any port in Europe as the Committee may direct and upon

<sup>1</sup> *Ante*, p. 343, chap. 749.

<sup>2</sup> *Ante*, p. 221, chap. 469.



your arrival there to use your best Endeavors to obtain of some Gentlemen either in France or Holland, upon as easy terms and at as low an Interest as possible, a Credit or Loan for the sum of One Hundred and fifty Thousand Pounds, Sterling, for the term of ten years, but not by any means for a term less than three Years, with Liberty to repay the same, or any part of it, as much sooner as can be conveniently done, provided it be agreeable to the Lender to receive it in this way, and you are hereby empowered to pledge the Faith of this Government for the repayment of the money you may borrow at the time stipulated: And as a Collateral Security, you will be furnished by the Secretary with an authenticated Copy of an Act, this Government has passed, for supplying the Treasury with a sufficient sum of Money to enable the Treasurer to discharge the Debt that may be contracted upon this Occasion, in which Act you will find they have granted a Tax, sufficient for the purpose, to be levied on the Polls and Estates within this State, and have enacted that the Monies thence arising shall be appropriated for the purpose aforesaid: As soon as you have obtained said Credit or Loan, or any part of it sufficient therefor, you are hereby empowered and directed to invest Twenty Thousand Pounds, Sterling, of it in such articles as will be suitable for cloathing this State's Quota of the Continental army, agreeable to a Schedule which will be delivered you by a Committee appointed to prepare the same, and ship them on board the Protector. You are also empowered to invest such a farther sum of said Loan in articles suitable for this market as the Ship Protector can take on board, agreeable to a Schedule that will be delivered you by the Committee aforesaid, provided the goods suitable for the army and for this market does not exceed the sum of Forty Thousand Pounds, Sterling, as soon as the Ship is laden and ready for Sea you are to give orders to Capt. John Foster Williams or the Commanding officer of said Ship to sail and proceed with said vessell and cargo directly for some Port within this State, strictly charging him to do all in his power to avoid the Enemy.

When you have dispatched the Protector and have obtained all the Money you are to procure upon Loan, you will be best able to judge, upon taking the State of affairs in Europe and all other circumstances into consideration, whether it will be for the interest of this State to have any more of this Loan invested in goods: If you should judge it would, you may, in such case, procure and ship, on account of this State, such goods as will be pointed out by the Committee above mentioned, to the amount of Twenty Thousand Pounds, Sterling, more, provided you can procure freight for the same in any good substantial vessels that are bound to some Port in this State; You are to cause the first cost and charges of whatever goods you may ship by the Protector or any other vessel, together with the costs of the insurance to be insured in Europe; and as the goods you are to purchase will amount to a considerable sum you will doubtless be able to obtain them, or some considerable part of them, at nine or twelve months Credit, and at as low a price as goods in smaller quantities are usually sold for Cash, in which case you may agree to pay for the same, at the time agreed upon, either out of the Loan, or if you fail of obtaining a Loan, then you may pledge the faith of this Government for the payment of the goods at the time stipulated.

On your arrival, if it shall appear to you that no injury will take place by a delay, you are empowered to order the Ship to proceed on a Cruise for a limited time but we are in hopes you will meet with such success in this Business as will render a measure of this kind improper.



You will, as soon as you have obtained the Loan, lose no opportunity of advising the Committee who are appointed to prepare the invoices &c. of the same, and you are hereby impowered and directed to place in some Bank in Europe, or in the hands of some Gentlemen of undoubted honor and responsibility there, what remains of the Loan aforesaid after you have purchased the goods before mentioned, and to appropriate the same for the payment of such Bills as may be drawn by this Court or by such Person as they may appoint and impower to draw the same:

You are directed immediately upon your going on ship board to inclose these instructions and all the papers relative to this Business in a Letter directed to the Hon. John Adams, Esq., and in case of his absence, to the Hon. Francis Dana, Esq., at Paris, either of whom is authorized and requested to transact the said Business in the manner aforesaid.

And whereas it may be proper for the Committee appointed to prepare the invoices (who are authorised by this Court for that purpose) to give you some additional instructions not contrary to or essentially different from the above you are to pay due attention to any such instructions as you may receive from them: And all Goods that you may ship by the Protector or any other Vessel in consequence of the aforesaid instructions you are to address to the care of the Committee above mentioned.

COUNCIL CHAMBER, JANUARY 11, 1780.

To the Honorable THOMAS CUSHING, Esq., and NATHANIEL GORHAM, SAMUEL PHILLIPS, CALEB DAVIS and THOMAS WALLEY, Esquires.

GENTLEMEN,

The General Court having appointed you a Committee to prepare a Schedule of sundry goods to be purchased by the Agent appointed by said Court, to procure a Loan or Credit in Europe, in behalf of this State, and shipt by him in the Ship Protector.

You are hereby directed to prepare a Schedule of such articles of cloathing, as will be necessary for this States Quota of the Continental army, to the amount of Twenty Thousand Pounds, Sterling, the first cost in Europe, and also a Schedule of such other goods as will best suit this market, to the amount of Twenty Thousand Pounds, Sterling, more, the whole of which are to be purchased in Europe, and shipped in the Ship Protector by Jonathan Loring Austin who is appointed Agent by this Court to procure a Loan or Credit in Europe in behalf of this State, and likewise a Schedule of sundry articles of goods, to the amount of Twenty Thousand Pounds, Sterling, more, to be shipt in other vessels, if said Agent shall think proper: You are also directed to deliver said Agent a fair copy of said Schedules, for his government and direction, and lodge another copy of the same in the Secretary's Office of this State.

You are also impowered to procure a passage and make suitable provision for said Agent in any vessel other than the Protector, provided it can be done on board a Vessel bound to any port in Europe not too far distant from France, and give said Agent your Orders for his embarkation accordingly and you are hereby impowered to give said Agent such additional instructions not contrary to or inconsistent with the orders given him by this Court as you may think the publick interest may require.

And if the Agent aforesaid shall in consequence of your orders to him embark in any other Vessel than the Protector then you are to send proper duplicates by her of all the papers relative to



this Business inclosed and directed to the said Agent or in his Absence to The Hon. John Adams, Esq., and in their absence to the Hon. Francis Dana, Esq., at Paris: And you are hereby empowered and directed to give to John Foster Williams, Esq., Commander of the Ship Protector, such orders and directions as you may judge necessary for his government during his voyage and in prosecution of the Business above mentioned.

And whereas this Court have directed the Agent aforesaid to transmit to you an account of his proceedings in the Business aforesaid, as also to send all the goods he may procure and ship on publick account to your address, you are hereby directed immediately upon the receipt of any advices from the Agent aforesaid to lay the same before the General Court if sitting and if they are not before the Council of this State.

In the Name and behalf of the General Assembly

JER[EMIAH]<sup>1</sup> POWELL,  
President.

## CHAPTER 758.

RESOLVE GRANTING £1,000 TO REV. EDWARD WIGGLESWORTH, HOLLISIAN PROFESSOR OF DIVINITY AT HARVARD COLLEGE.

*Resolved*, That there be paid out of the public Treasury to the Rev. Edward Wigglesworth, Hollisian Professor of Divinity at Harvard College, the sum of One Thousand Pounds, as a gratuity in part consideration of his services in said office from the 1st day of January 1779, to the 1st day of January, 1780. [*Passed January 12.*]

Legislative  
Records of the  
Council,  
xl., 244.  
Mass.  
Archives,  
ccxxvi., 51.  
Mass.  
Resolves,  
Dec. Session,  
chap. 107.

## CHAPTER 759.

RESOLVE GRANTING £580 TO MR. STEPHEN SEWALL, HANCOCK PROFESSOR OF THE HEBREW AND OTHER ORIENTAL LANGUAGES AT HARVARD COLLEGE.

*Resolved*, There be paid out of the public Treasury to Mr. Stephen Sewall, Hancock Professor of the Hebrew and other Oriental Languages at Harvard College, the sum of Five Hundred and eighty Pounds, as a gratuity, in part consideration of his faithful discharge of the important trust reposed in him, from the 1st day of January 1779 to the 1st day of January 1780. [*Passed January 12.*]

Legislative  
Records of the  
Council,  
xl., 244.  
Mass.  
Archives,  
ccxxvi., 52.  
Mass.  
Resolves,  
Dec. Session,  
chap. 110.

## CHAPTER 760.

RESOLVE GRANTING £2,000 TO REV. SAMUEL LANGDON, PRESIDENT OF HARVARD COLLEGE.

*Resolved*, That there be paid out of the Treasury of this State to the Rev. Samuel Langdon, President of Harvard College, the sum of Two Thousand Pounds, in part for his services from the 1st day of January, 1779, to the 1st day of January, 1780. [*Passed January 12.*]

Legislative  
Records of the  
Council,  
xl., 244.  
Mass.  
Archives,  
ccxxvi., 53.  
Mass.  
Resolves,  
Dec. Session,  
chap. 106.

<sup>1</sup> Legislative Records of the Council, xl., 1.



## CHAPTER 761.

RESOLVES DIRECTING THE TREASURER TO PAY OUT THE MONEY APPROPRIATED FOR RECRUITING THE ARMY TO THE RECRUITING OFFICERS, THE SECRETARY TO RECORD THE NAMES, RESIDENCES, AGES, DESCRIPTIONS AND TIMES OF ENLISTMENT OF THOSE ENLISTED, AND ORDERING THEM TO BE SENT TO THE CASTLE TO REMAIN TILL FURTHER ORDER.

Legislative  
Records of the  
Council,  
xl., 245.  
Mass.  
Archives,  
ccxxvi., 54.  
Mass.  
Resolves,  
Dec. Session,  
chap. 104.  
Mass.  
Archives,  
ccxxvi., 55.

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be and hereby is directed to pay (out of the money appropriated for this State's quota of the Continental tax) to Recruiting-officers such sums of money as the Council shall from time to time order, and the Treasurer is directed to replace the said sums as soon as possible; and the Council are requested to grant warrants on the Treasurer only to those Recruiting officers who shall produce a certificate from the Muster-master that the men are properly inlisted during the war, as this State's quota of the Continental Army, and mustered, with their names, places of abode, description of their persons and their ages.

And whereas great inconveniences have arisen by reason of not keeping proper records: Therefore

*Resolved*, That the Secretary be directed to record the names of the men so inlisted, the town to which they belong, their ages and description of their persons, and also the time when and by whom they were inlisted.

And whereas great damage has arisen by reason of not properly securing soldiers after their inlistment: Therefore

*Resolved*, That the Council be requested to order the men so inlisted to be sent to the castle, upon a representation of the officer who inlisted them, that there is occasion therefor, there to remain under the command of the Captain of the castle till further order. [*Passed January 12.*]

## CHAPTER 762.

RESOLVE MAKING AN ESTABLISHMENT FOR THE GENERAL AND STAFF OFFICERS ON THE PENOBSCOT EXPEDITION.

Legislative  
Records of the  
Council,  
xl., 246.  
Mass.  
Archives,  
ccxxvi., 56.  
Mass.  
Resolves,  
Dec. Session,  
chap. 103.

WHEREAS it appears to this Court that there is no establishment for the General and Staff officers on the expedition to Penobscot:

*Resolved*, That there be allowed and paid out of the public Treasury of this State, to each of the General and Staff officers who served at Penobscot, in addition to their Continental pay and rations, the sums hereafter mentioned for each calendar month, viz. to the Commanding officer, Ninety Pounds, to the second in Command, seventy-five Pounds, to the Chief Engineer, Surgeon-General, and Commissary-General, forty-five Pounds, to the Adjutant-General, Secretary, Quarter-Master-General and Commissary of ordnance thirty-five Pounds, to the Deputy-Commissary of provisions, Deputy-Commissary of ordnance and Deputy Quarter-Master, thirty Pounds. [*Passed January 12.*]

<sup>1</sup> Province Laws, xx., 583, chap. 439.



## CHAPTER 763.

RESOLVE EMPOWERING JOHN SEARS, GUARDIAN TO PRISCILLA, KEZIA, DINAH, MERCY AND RHODA SEARS, MINORS, TO SELL REAL ESTATE IN YARMOUTH.

ON THE PETITION of John Sears, of Yarmouth, in the county of Barnstable, as Guardian to five minors, children of Daniel Sears, late of said Yarmouth, deceased, praying that he may be empowered to sell such part of said minors real estate respectively, for the reasons set forth in his petition:

*Resolved*, That the said John Sears, in his said capacity, be and he is hereby empowered to make sale of so much of Priscilla, Kezia, Dinah, Mercy and Rhoda Sears's real estate as shall not exceed Four Hundred Pounds each, the personal being already spent, to enable him to pay the debts due from said estate, and for the further support of said minors, that part of the estate the Guardian shall think most for their interests, for the most the same will fetch, and make and execute good and lawful deed or deeds of the same, and settle the cost of sale and expenditure of the remainder with the Judge of Probate for the county of Barnstable. [*Passed January 12.*]

Legislative  
Records of the  
Council,  
xl., 247.  
Mass.  
Archives,  
ccxxvi., 57.  
Mass.  
Resolves,  
Dec. Session,  
chap. 105.

Mass.  
Archives,  
ccxxvi., 58.

## CHAPTER 764.

RESOLVE REQUESTING THE COUNCIL TO GRANT WARRANTS ON THE TREASURER FOR THE EDUCATION OF JOSEPH, ELDEST SON OF THE LATE MAJ. GEN. WARREN, THE SAME TO BE CHARGED TO THE UNITED STATES PURSUANT TO A RESOLVE OF THE CONTINENTAL CONGRESS.

WHEREAS Congress did pass a Resolve in the year 1776 that [Joseph]<sup>1</sup> the eldest son of the late Maj. Gen. [Joseph]<sup>2</sup> Warren, who lost his life in the cause of his country, at the battle on Bunker-hill in 1775, should be educated at the expence of the United States:

*Resolved*, That the Honorable Council be and they are hereby requested to grant a warrant on [Henry Gardner, Esq.,]<sup>3</sup> the Treasurer of this State for the payment of such accounts as are now due for the education, &c. of the son of the late Maj. Gen. Warren, and charge the same to the United States; and they are further requested to grant a warrant once in three months on the Treasurer aforesaid, for the payment of such accounts as may be exhibited for said purpose, to be charged as aforesaid. [*Passed January 12.*]

Legislative  
Records of the  
Council,  
xl., 247.  
Mass.  
Archives,  
clxxxvi., 65.  
Mass.  
Resolves,  
Dec. Session,  
chap. 108.

## CHAPTER 765.

RESOLVE STATING THE PRICES OF BEEF, INDIAN CORN, WOOL AND SOLE LEATHER MONTHLY FROM 1777 TO 1779 INCLUSIVE, WITH RATE OF DEPRECIATION, WHICH THE COMMITTEE APPOINTED TO SETTLE WITH THE ARMY ARE DIRECTED TO TAKE FOR THEIR RULE.

WHEREAS the General Assembly of this State have engaged to make good to the officers and soldiers of this State's quota of the Continental army, the wages first promised to them, taking for a

Legislative  
Records of the  
Council,  
xl., 248.  
Mass.

<sup>1</sup> Richard Frothingham, Life and Times of Joseph Warren, 545.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xvi., 623.

<sup>3</sup> Province Laws, xx., 583, chap. 439.



Archives,  
ccxxvi., 62.  
Mass.  
Resolves,  
Dec. Session,  
chap. 109.

Mass.  
Archives,  
ccxxvi., 60, 61.  
Province  
Laws, v., 642,  
chap. 46.

measure the prices affixed to the necessities of life, in a Law of this State, intituled, "An Act to prevent Monopoly and Oppression," made in the year of our Lord 1777: Therefore

*Resolved*, That the Committee of this Court, who have been appointed to settle and adjust the ballance due to each officer and soldier of this State's quota aforesaid respectively, be and they are hereby directed to take for their rule (in ascertaining the value or depreciation of the current money at the several periods of the payments which have been made them, and of the ballance due to them respectively on the 1st day of this present January, in current money) the calculation contained in the right hand column of the following schedule, which determines how many pounds and hundredth parts of a pound current money at the several periods mentioned in said schedule were equal in value to each twenty Shillings promised to such officer or soldier as aforesaid. It being calculated upon an average of the rates of depreciation, as computed by the prices of beef, Indian corn, sheeps-wool and sole leather, they being the articles agreed upon by this Court and the Committee of the army to make the said calculation upon.

DATE.	Beef stated in the Monopoly Bill at 4d. & 3d. is 3½ per pound.		Indian Corn stated in the Monopoly Bill at 4s. per bushel.		Wool stated at 2s. per pound in said Bill.		Sole Leather stated at 1s 3d. per pound.		Mean Rate of Depreciation.
	Current Price Monthly.	Rate of Depreciation.	Current Price Monthly.	Rate of Depreciation.	Current Price Monthly.	Rate of Depreciation.	Current Price Monthly.	Rate of Depreciation.	
1777 January 1.	4d	1.142 for 1	4s	1 for 1	3s	1.50 for 1	1s 3	1 for 1	1.16 for 1
February	4	1.142	4s	1	2s	1	1s 3	1	1.03
March	4	1.142	4s	1	2s	1	1s 3	1	1.03
April	4	1.142	4s	1	4s	2	1s 3	1	1.28
May	8	2.284	4s	1	4s	2	1s 3	1	1.57
June	8	2.284	6s	1.50	4s	2	1s 3	1	1.60
July	8	2.284	8s	2	4s	2	1s 3	1	1.82
August	8	2.284	10s	2.50	5s	2.50	2s 10	2.25	2.38
September	8	2.284	12s	3	5s	2.50	2s 10	2.25	2.50
October	8	2.284	12s	3	12s	6	5s	4	3.82
November	8	2.284	12s	3	12s	6	5s	4	3.82
December	10	2.857	16s	4	12s	6	5s 7½	4.50	4.34
1778 January	10½	3	18s	4.50	12s	6	5s 7½	4.50	4.50
February	12½	3.580	18s	4.50	12s	6	5s 7½	4.50	4.64
March	13	3.714	20s	5	12s	6	5s 7½	4.50	4.80
April	15	4.285	24s	6	12s	6	5s 7½	4.50	5.19
May	16½	4.714	32s	8	12s	6	5s 7½	4.50	5.80
June	18	5.142	32s	8	12s	6	5s 7½	4.50	5.91
July	17	4.857	40s	10	12s	6	5s 7½	4.50	6.34
August	16½	4.714	40s	10	12s	6	5s 7½	4.50	6.30
September	17	4.857	40s	10	12s	6	8s 5¼	6.75	6.90
October	17	4.857	40s	10	12s	6	8s 5¼	6.75	6.90
November	18	5.142	40s	10	12s	6	8s 5¼	6.75	6.97
December	18	5.142	48s	12	12s	6	8s 5¼	6.75	7.47
1779 January	1s 10d	6.285	2 12 0	13	15s	7.50	8s 5¼	6.75	8.38
February	2s	6.857	2 16 0	14	15s	7.50	11s 3	9	9.34
March	3s 6	12	3 0 0	15	15s	7.50	11s 3	9	10.87
April	4s 6	15.428	3 4 0	16	18s	9	11s 3	9	12.35
May	6s	20.571	3 12 0	18	18s	9	11s 3	9	14.14
June	6s	20.571	4 0 0	20	20s	10	16s 10½	13.50	16.02
July	6s 6	22.285	8 0 0	40	30s	15	16s 3	13	22.57
August	6s 6	22.285	6 0 0	30	22s 6	11.25	22s 6	18	20.38
September	6s	20.571	4 10 0	22.50	22s 6	11.25	16s 10½	13.50	16.95
October	6s	20.571	4 10 0	22.50	24s	12	16s 10½	13.50	17.14
November	6s 6	22.285	5 0 0	25	42s	21	33s 9	27	23.87
December	7s	24	8 0 0	40	60s	30	33s 9	27	30.25
1780 January 1.	8s 9	30 for 1	8 0 0	40	60s	30	37s 6	30	32.50

[Passed January 12.]



## CHAPTER 766.

RESOLVES EXTENDING THE TIME FOR COLLECTING OF TAXES ACCORDING TO DISTANCE FROM BOSTON AND DIRECTING THE SHERIFFS AS TO SERVING THE TREASURER'S EXECUTIONS.

WHEREAS it is necessary on account of the difficulty of the travelling to extend the time which by a Resolve of this Court of the 17th of December last, was limited for the payment of taxes into the public Treasury: Therefore

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be and he hereby is directed to suspend his executions, ordered by the Resolve of the 17th of December aforesaid, and he is hereby directed to issue his executions against all Collectors of taxes who live within One Hundred miles of Boston, who shall be deficient in their payment on the 22nd day of January inst. and against all Collectors of taxes who live more than One Hundred miles from Boston, who shall be deficient in their payment on the 7th day of February next, for any taxes that were payable on or before the 1st day of January instant. And it is further

*Resolved*, That the several Sheriffs, to whom said executions shall be sent, are directed to govern themselves agreeable to the aforesaid Resolve of the 17th day of December. [*Passed January 13.*<sup>2</sup>

Legislative  
Records of the  
Council,  
xl., 244.  
Mass.  
Archives,  
ccxxvi., 74.  
Mass.  
Resolves,  
Dec. Session,  
chap. 119.

*Ante*, p. 299,  
chap. 640.

## CHAPTER 767.

RESOLVE REQUESTING THE COUNCIL TO ALLOW JOSEPH BAKER TO SELL DAMAGED PROVISION AT PUBLIC AUCTION.

ON THE PETITION of Joseph Baker, praying for liberty to export a quantity of damaged provision to a foreign market:

*Resolved*, That the Honorable Council be and they hereby are impowered and requested to grant to the said Joseph Baker liberty to sell the said provision at public auction; the law prohibiting vendues notwithstanding. [*Passed January 13.*<sup>2</sup>

Legislative  
Records of the  
Council,  
xl., 247.  
Mass.  
Archives,  
ccxxvi., 75.  
Mass.  
Resolves,  
Dec. Session,  
chap. 111.

Mass.  
Archives,  
ccxxvi., 76, 77.  
Province  
Laws, v., 1131,  
chap. 26.

## CHAPTER 768.

RESOLVE DIRECTING RICHARD CRANCH, ESQ., AGENT ON THE ESTATES OF JOHN BORLAND, ESQ., ABSENTEE, DECEASED, TO PERMIT ROBERT TREAT PAINE, ESQ., TO TAKE POSSESSION OF ONE OF SAID ESTATES AFTER THE PRESENT LEASES ARE EXPIRED, PAYING RENT AS THE GENERAL COURT SHALL ORDER.

*Resolved*, That Richard Cranch, Esq., Agent on the estate of John Borland, Esq., an absentee, deceased, be and he hereby is directed to permit the Hon. Robert Treat Paine, Esq., Attorney-General of this State, to take possession of any one of said estates after the present leases are expired, he to pay such rent as the General Court shall order. [*Passed January 13.*

Legislative  
Records of the  
Council,  
xl., 250.  
Mass.  
Archives,  
ccxxvi., 73.  
Mass.  
Resolves,  
Dec. Session,  
chap. 115.

<sup>1</sup> Province Laws, xx., 583, chap. 439.

<sup>2</sup> This date is same in Massachusetts Resolves, but January 12 according to Legislative Records of the Council.



## CHAPTER 769.

Legislative  
Records of the  
Council,  
xl., 250.  
Mass.  
Archives,  
ccxxvi., 68.  
Mass.  
Resolves,  
Dec. Session,  
chap. 114.

RESOLVE GRANTING ADDITIONAL PENSION OF £90 TO EDWARD MANCHESTER.

ON THE PETITION of the Hon. Walter Spooner, Esq., in behalf of Edward Manchester, a pensioner, praying for an enlargement of his pension:

*Resolved*, That there be allowed and paid out of the public Treasury of this State to the Hon. Walter Spooner, Esq., for the use of Edward Manchester, the pensioner, the sum of ninety Pounds, which with his former grant of five Pounds per year shall be in full for his two last years pension. [*Passed January 13.*]

Mass.  
Archives,  
ccxxvi., 69.  
Province  
Laws, xix., 91,  
chap. 212.

## CHAPTER 770.

RESOLVE DIRECTING JOSEPH HOSMER, ESQ., TO REMOVE THE POWDER IN THE MAGAZINE AT GROTON TO CONCORD, BILLERICA AND WOBURN AND TO DISCHARGE THE GUARDS FROM FURTHER SERVICE.

*Resolved*, That Joseph Hosmer, Esq., be and he is hereby directed forthwith to remove all the powder in the magazine at Groton, to the following towns, viz. one third of it to Concord, one third to Billerica, and one third to Woburn, to be delivered into the care of the Selectmen of said towns, he taking their receipt therefor, which he is directed to lodge with the Board of War, and as soon as said powder is removed that the guards now doing duty at said magazine in Groton, be discharged from any further service there and that said Joseph Hosmer, Esq., lay his account of the expence of removing the same before the Committee on accounts for allowance and payment. [*Passed January 13.*]

Legislative  
Records of the  
Council,  
xl., 250.  
Mass.  
Archives,  
ccxxvi., 67.  
Mass.  
Resolves,  
Dec. Session,  
chap. 125.

## CHAPTER 771.

RESOLVE PERMITTING JOHN WEBSTER TO TRANSPORT WINE, RUM, SPIRITS AND TEA, THE PROPERTY OF SAMUEL WELLES, TO CONNECTICUT.

ON THE PETITION of Samuel Welles, praying for a permit to transport sundry articles out of this State into the State of Connecticut, for the reasons mentioned in the petition:

*Resolved*, That John Webster be and he is hereby permitted to transport out of the Town of Boston, through this State, into the State of Connecticut, as soon as the loaded team mentioned in said petition arrives in the Town of Boston, three barrels of wine, two barrels of N. E. rum, one keg of spirits, and one chest of tea, the property of the petitioner; any act or law of this State to the contrary notwithstanding. [*Passed January 13.*]

Legislative  
Records of the  
Council,  
xl., 251.  
Mass.  
Archives,  
ccxxvi., 78.  
Mass.  
Resolves,  
Dec. Session,  
chap. 126.

Mass.  
Archives,  
ccxxvi., 79.  
Province  
Laws, v., 1114,  
chap. 13.



## CHAPTER 772.

RESOLVE REQUESTING THE COUNCIL TO GRANT WARRANTS NOT EXCEEDING £5,000 IN FAVOR OF THE HON. THOMAS CUSHING AND OTHERS, THE COMMITTEE TO PREPARE AN INVOICE OF GOODS TO BE IMPORTED FROM EUROPE, AND TO PROCURE A PASSAGE FOR THE AGENT, MR. JONATHAN LORING AUSTIN.

*Resolved*, That the Honorable Council be and they hereby are requested to grant Warrants on the Treasury of this State in favor of the Hon. Thomas Cushing, Esq., Nathaniel Gorham, Samuel Phillips, Thomas Walley and Caleb Davis, Esq., who have been appointed a Committee to prepare an invoice of goods to be imported from Europe, and also to procure a passage for the Agent [Mr. Jonathan Loring Austin]<sup>1</sup> who is appointed to negotiate a foreign Loan, for such sum of Money, not exceeding Five Thousand Pounds, as they may have occasion for, to enable them to prosecute said Business, they to be Accountable for the sums they shall respectively receive. [*Passed January 13.*]

Legislative  
Records of the  
Council,  
xl., 251.  
Mass.  
Archives,  
cclxxxv., 74.  
Mass.  
Archives,  
cclxxxv., 75, 76.  
*Ante*, p. 346,  
chap. 757.

## CHAPTER 773.

RESOLVE DIRECTING MR. WILLIAM BAKER, MESSENGER OF THE HOUSE OF REPRESENTATIVES, TO SUPPLY THE CONSTITUTIONAL CONVENTION WITH FUEL AND CANDLES.

*Resolved*, That Mr. William Baker, Messenger of, the House of Representatives, be and he is hereby directed to supply the fuel and candles necessary for the Convention convened for the purposes of framing a new constitution or form of Government for this State: And the Honorable the Council are requested to allow and order payment for such accounts as shall be laid before them for said purpose. [*Passed January 13.*]

Legislative  
Records of the  
Council,  
xl., 251.  
Mass.  
Archives,  
cclxxxvi., 80.  
Mass.  
Resolves,  
Dec. Session,  
chap. 112.

## CHAPTER 774.

RESOLVE DISCHARGING WILLIAM WHITTINGTON FROM HIS BONDS TO LEAVE THE STATE, SETTING HIM AT LIBERTY AND PERMITTING HIM TO TARRY IN THIS STATE ON TAKING THE OATH OF ALLEGIANCE TO THIS AND THE UNITED STATES.

Legislative  
Records of the  
Council,  
xl., 252.  
Mass.  
Archives,  
cclxxxv., 314.  
Mass.  
Resolves,  
Dec. Session,  
chap. 116.

ON THE PETITION of Elizabeth Whittington, in behalf of her husband William Whittington, praying, for reasons set forth in said petition, that her said husband may be set at liberty, and permitted to tarry in this State:

*Resolved*, That William Whittington be discharged from the bonds he is under to leave this State, and be set at liberty, and permitted to tarry in the same, provided he first take the oath of allegiance to this and the United States of America, before some Magistrate in the town of Boston, duly authorized to administer the same, according to a law of this State. [*Passed January 13.*]

Mass.  
Archives,  
cclxxxv., 312.  
Province  
Laws, v., 770,  
chap. 18.



## CHAPTER 775.

RESOLVES DIRECTING THE AGENT OF THE ESTATE OF MARTIN GAY, ABSENTEE, TO PAY TO HIS WIFE RUTH GAY THE RENTALS RECEIVED FOR SUPPORT OF HERSELF AND HER CHILDREN AND ALLOWING HER TO RETAIN THE SMALL QUANTITY OF HOUSEHOLD FURNITURE LEFT IN BOSTON BY HER HUSBAND WHEN HE WENT OFF WITH THE BRITISH TROOPS.

Legislative  
Records of the  
Council,  
xl., 252.  
Mass.  
Archives,  
ccxxvi., 64.  
Mass.  
Resolves,  
Dec. Session,  
chap. 121.

Mass.  
Archives,  
ccxxvi., 65.

ON THE PETITION of Ruth Gay, praying for some allowance out of the estate of her husband, Martin Gay, late of Boston, founder, an absentee, for the support of herself and her two children, and to enable her to pay some charges which have already arisen for their support:

*Resolved*, That the Agent on the estate of the said Martin Gay, an absentee, be and he is hereby directed to pay to the said Ruth Gay whatever sums he has received or shall receive for the rents of the real estate of said absentee, in order to enable her to support herself and her two children; and also that said petitioner be permitted to retain in her hands the small quantity of household furniture left in Boston by said absentee, when he went off with the British troops, 'till the further order of the General Court; any Law or Resolve of this State to the contrary notwithstanding. And it is further

*Resolved*, That the Judge of Probate for the County of Suffolk be and he is hereby directed to allow the said Agent in his account the sums he shall pay the said Ruth Gay agreeable to this Resolve. [*Passed January 13.*]

## CHAPTER 776.

RESOLVES DIRECTING THE COMMITTEE WHO LATELY WENT TO STONEHAM TO LAY THEIR ACCOUNTS BEFORE THE COMMITTEE ON ACCOUNTS, THAT THE SUM ALLOWED BE ADDED TO THE NEXT STATE TAX LAID ON STONEHAM AND EMPOWERING THE ASSESSORS OF SAID TOWN TO ASSESS THE SAME ON THE POLLS AND ESTATES OF THE SEVERAL INHABITANTS WHO SIGNED THE PETITION.

Legislative  
Records of the  
Council,  
xl., 252.  
Mass.  
Archives,  
ccxxvi., 81.  
Mass.  
Resolves,  
Dec. Session,  
chap. 122.

*Ante*, p. 296,  
chap. 634.

THE COMMITTEE appointed to consider what provision shall be made to defray the expence of the Committee who lately went to Stoneham, agreeable to an Order of Court, have attended that service, and ask leave to report the following Resolve:

*Resolved*, That the Committee who lately went to Stoneham, by Order of the General Court, be directed to lay an account of their time and expences on said service before the Committee of Accounts, for allowance and payment; and that an account of the sum so allowed be lodged in the Secretary's office, to be added to the next State Tax to be laid on the Town of Stoneham. And it is further

*Resolved*, That the Assessors of said Town be and they hereby are impowered (if the Town shall so direct) to assess the said sum in a just proportion on the polls and estates of the several inhabitants of said Town who signed the petition that occasioned the sending of the said Committee. [*Passed January 13.*]



## CHAPTER 777.

## RESOLVE GRANTING £200,000 TO THE BOARD OF WAR ON ACCOUNT OF THE RAPID RISE OF PRICES.

WHEREAS it appears to this Court that the grants made to the Board of War, preceeding this date, are quite inadequate to the purpose of carrying the orders of the General Court into execution, by reason of the rapid rise of the prices of the articles they are directed to procure: Therefore

*Resolved*, That the Treasurer of this State be and hereby is directed to pay to the Board of War of this State, the sum of Two Hundred Thousand Pounds, to enable them to carry into effect the several orders of the General Court, the said Board of War to be accountable for the expenditure of the same. [*Passed January 13.*]

Legislative  
Records of the  
Council,  
xl., 253.  
Mass.  
Archives,  
ccxxvi., 82.  
Mass.  
Resolves,  
Dec. Session,  
chap. 117.

Mass.  
Archives,  
ccxxvi., 83.

## CHAPTER 778.

## RESOLVE DIRECTING THE COMMISSARY GENERAL TO ISSUE ONE RATION A DAY TO EACH OF THE OFFICERS ENTITLED TO SAME.

*Resolved*, That [Richard Devens, Esq.,]<sup>1</sup> the Commissary-General of this State be and he hereby is directed to issue but one ration of provision per day to each of the respective officers who are intitled to receive rations from this Government, until the further order of the General Court. [*Passed January 13.*]

Legislative  
Records of the  
Council,  
xl., 253.  
Mass.  
Archives,  
ccxxvi., 85.  
Mass.  
Resolves,  
Dec. Session,  
chap. 124.

Mass.  
Archives,  
ccxxvi., 83.

## CHAPTER 779.

## RESOLVE DIRECTING SAMUEL PHILLIPS, ESQ., TO REMOVE THE CONDEMNED POWDER FROM THE MAGAZINE AT WATERTOWN TO THE POWDER MILLS AT ANDOVER AND STOUGHTON, AND JONATHAN BROWN, ESQ., TO DISCHARGE THE GUARDS AT THE MAGAZINE.

WHEREAS it appears to this Court that the condemned powder in the Magazine at Watertown, which by a late Resolve of the General Court was ordered to be removed from thence to the powder-mills at Stoughton, is not yet removed, and the guards are still continued at said Magazine at a very great and needless expence to the State: Therefore

*Resolved*, That Samuel Phillips, Esq., be and he is hereby directed to remove said condemned powder forthwith from the magazine at Watertown, one half to the powder-mills at Andover, the other half to the powder-mills at Stoughton, and that as soon as said powder is removed, Jonathan Brown, Esq., is hereby directed to discharge the guards at said magazine from any further service there, and that Mr. Phillips lay his accounts of the expence of removing the same before the Committee on accounts for allowance and payment. [*Passed January 13.*]

Legislative  
Records of the  
Council,  
xl., 253.  
Mass.  
Archives,  
ccxxvi., 93.  
Mass.  
Resolves,  
Dec. Session,  
chap. 128.

*Ante*, p. 285,  
chap. 607.

<sup>1</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 780.

RESOLVE FOR PRINTING AND SENDING THROUGH THE AGENTS A CIRCULAR LETTER TO EACH OF THE TOWNS DEFICIENT IN THEIR SUPPLY OF BLANKETS, AND PROVIDING FOR THE DELIVERY OF SAID BLANKETS TO THE BOARD OF WAR.

Legislative  
Records of the  
Council,  
xl., 254.  
Mass.  
Archives,  
ccxxvi., 87.  
Mass.  
Resolves,  
Dec. Session,  
chap. 118.

Mass.  
Archives,  
ccxxvi., 90.  
*Ibid.*, p. 133,  
chap. 265.

THE COMMITTEE appointed to take into consideration the Resolves of this Court for procuring Blankets, and to report what further measures are necessary to be taken respecting them, ask leave to report the following Resolve and draught of a letter, which are submitted.

WILLIAM SPOONER per Order.

*Resolved*, That a proper number of copies of the following letter be printed, signed by the President of Council, and sent to the Agents of the counties of Suffolk, Essex, Middlesex, Hampshire, Plymouth, Barnstable, Bristol, Worcester, York, Cumberland and Berkshire, and that the Agents aforesaid be and they hereby are directed severally to fill the blanks in the same with the names of those towns, which have not supplied the Blankets required by the Resolve of the 14th of September last, and to convey the same by the earliest opportunities. And the Agents in the counties of Hampshire, Worcester and Berkshire, are directed to deliver the Blankets they shall receive to the order of the Board of War; and the Agents in the other counties herein before named, are directed to send the Blankets they shall receive, as fast as collected, in sleys or some other way most expeditious, to the Board of War.

To the Selectmen of the Town of

GENTLEMEN,

The General Assembly can no longer delay their requisition for an immediate compliance with their resolution of the 14th of September last, calling for Blankets. 'Tis not owing to a neglect in Government to make early provision for a foreign supply of this article that this requisition is made upon the people, but to the misfortune of these supplies falling into the hands of the enemy. This measure therefore being unavoidable, we trust that no man who is a friend to his country, or has the feelings of humanity, while he has a house to live in, will hesitate to spare this article from his covering (if it can't be otherwise obtained) for the relief of those, who, for the common defence, are in this extreme season, suffering in the field. And in doing this you will but follow the example of many of the good people in this State. It is expected that you will suffer no consideration to prevent your immediate compliance with this renewed application, as a generous price will be allowed for the Blankets, and that you will convey them to the Agent without delay. And if there should be any deficiency, the Agent is directed to make return thereof to the Council, that such measures may be taken as necessity shall require. [*Passed January 13.*]



## CHAPTER 781.

RESOLVES DIRECTING THE SELECTMEN AND COMMITTEES OF TOWNS AND PLANTATIONS TO LODGE IN THE SECRETARY'S OFFICE AN ACCOUNT OF SUPPLIES TO CONTINENTAL SOLDIERS' FAMILIES AND BOUNTIES PAID SO THAT A SETTLEMENT MAY BE MADE WITH THE ARMY.

WHEREAS it is indispensibly necessary, in order for a settlement with the army, that the accounts for the supplies of the soldiers families should be made out by the Selectmen and Committees in the several towns and plantations within this State, and lodged in the Secretary's office forthwith: Therefore

*Resolved*, That the Selectmen and Committees of the several towns and plantations within this State be and hereby are required and directed to make out and lodge in the Secretary's office on or before the several days herein-after-mentioned an account of all the supplies made the families of the soldiers of this State's proportion in the Continental army for three years or during the war, up to the last day of December inclusive, agreeable to a schedule passed this Court the 8th day of June last. It is further

*Resolved*, That the Selectmen or Committees in the Counties of Suffolk, Essex, Middlesex, Plymouth, Worcester and Bristol, be and hereby are required to lodge in the Secretary's office the accounts aforesaid on or before the 10th day of February next. And that the Selectmen and Committees in all the other Counties within this State lodge their accounts as aforesaid on or before the 1st day of March next. Further, it is

*Resolved*, That if any of the Selectmen or Committees aforesaid shall neglect or refuse to comply with the foregoing Resolves, that this Court will not pay any account for such supplies made before the said last day of December, which shall be exhibited or lodged in the Secretary's office any time after the particular times required by the foregoing Resolves. And it is further

*Resolved*, That if any of the Selectmen or Committees aforesaid have neglected to make Returns (agreeable to a Resolve of this Court of the 8th day of October last) of the bounties allowed by any town to the soldiers who inlisted into the Continental army for three years or during the war, they are hereby required to make return as aforesaid on or before the several days mentioned in the foregoing Resolves, upon penalty as aforesaid. [*Passed January 13.*]

Legislative  
Records of the  
Council,  
xl., 255.  
Mass.  
Archives,  
ccxxvi., 86.  
Mass.  
Resolves,  
Dec. Session,  
chap. 120.

*Ante*, p. 35,  
chap. 67; p. 222,  
chap. 470.

## CHAPTER 782.

RESOLVE EMPOWERING THE AGENT TO PROCURE A FOREIGN LOAN IN EUROPE TO PROCURE SOME PART IN SPAIN AND TO INVEST PART IN SUCH GOODS AS THE COMMITTEE WILL DIRECT.

WHEREAS it appears to this Court, that it is probable [that Mr. Jonathan Loring Austin],<sup>1</sup> the Agent lately appointed by said Court to procure a Loan in Europe, may be able to procure part of the same in Spain, and whereas by the Instructions given said Agent, he is not impowered to procure said Loan in any places except France or Holland: Therefore

*Resolved*, That said Agent be and he is hereby impowered to procure such a part of said Loan in the Kingdom of Spain as the Committee appointed to give him additional instructions may

Legislative  
Records of the  
Council,  
xl., 256.  
Mass.  
Archives,  
ccxxxv., 77.

*Ante*, p. 343,  
chap. 749;  
p. 346, chap.  
757.

<sup>1</sup> *Ante*, p. 346, chap. 757.



think will be for the interest of this State, and he is also impowered to invest such a part of the Loan, which he shall procure in Spain, in Goods as the Committee aforesaid may think proper, who are also impowered to give said Agent such further directions respecting the Loan and Goods aforesaid, as they may Judge necessary, provided they do not exceed the sum already directed to be invested in Goods. [*Passed January 13.*]

## CHAPTER 783.

RESOLVE DIRECTING THE BOARD OF WAR TO SURVEY THE CLOTHING COLLECTED BY THE COUNTIES OF BRISTOL AND PLYMOUTH FOR THE CONTINENTAL ARMY, TO DELIVER WHAT IS SUITABLE TO THE COMMITTEE FOR FORWARDING SAME AND TO DISPOSE OF THE REMAINDER, THE AGENTS TO BE ACCOUNTABLE.

Legislative  
Records of the  
Council,  
xl., 257.  
Mass.  
Archives,  
cxxxvi., 94.  
Mass.  
Resolves,  
Dec. Session,  
chap. 127.

*Ante*, p. 322,  
chap. 693.

WHEREAS it is represented to this Court that the cloathing provided for the Continental soldiers by the Counties of Bristol and Plymouth (now lying in Capt. Hopkins's store) is in such situation that it is necessary that immediate care be taken of the same:

*Resolved*, That the Board of War be and hereby are impowered and directed to survey said cloathing, and such as is suitable for the soldiers to pack up, and deliver to the Committee appointed for sending forward the cloathing to the army. The unsuitable, to be disposed of by said Board of War in such way and manner as they shall judge most for the advantage of the State, and give an account of their proceedings at the next sitting of this Court. But as [Capt. David Kingman and Brig. George Godfrey]<sup>1</sup> the Agents for the Counties aforesaid have been ordered to appear before this Court to give an account of their Agency, and as it is supposed the difficulty in travelling will permit their being in time (as a recess is soon to take place) for said purpose, therefore the Board of War are directed to shew the aforesaid unsuitable cloathing to said Agents before the disposal thereof, and the Board of War and Agents are directed to give an account of said cloathing to the Committee on accounts, according to the best of their judgment, in order that the towns that sent said cloathing be allowed no more for them, than what they sold for, deducting the charges, so that justice be done as near as may be; and if it can be ascertained where the deficiency will fall, the Agents aforesaid are directed to call upon such towns to make up such deficiency immediately, and lay their accounts before the Committee on accounts for examination and allowance. [*Passed January 13.*]

## CHAPTER 784.

RESOLVES REQUESTING THE PRESIDENT OF THE COUNCIL TO SIGN AND TRANSMIT LETTERS TO THE PRESIDENT OF CONGRESS AND THE MASSACHUSETTS DELEGATES AS TO RE-ENLISTING QUOTA OF THE CONTINENTAL ARMY.

Legislative  
Records of the  
Council,  
xl., 258.  
Mass.  
Archives,  
ccii., 24;  
cxxxvi., 122.  
Mass.  
Resolves,

SIR,

The General Assembly of Massachusetts-Bay, in compliance with the requisitions of the Honorable Congress to raise the quota of troops assigned to them in such way as should appear most conducive to the public interest, have pursued such measures as

BOSTON, January 13, 1780.

<sup>1</sup> *Ante*, p. 72, chap. 138.



they thought most consistent with the ideas of Congress, and as they have found necessary to effect this important purpose. When this State first raised their quota of men for the Continental army, such was the appearance of a great depreciation of our currency, and such the discouragements consequent upon it, that, in order to effect a speedy inlistment of our quota of the army, we were obliged by a principle of justice to engage to the officers and soldiers that the prices of all articles, as regulated by an act to prevent monopoly and oppression, should be adhered to as the standard of the value of their pay. In pursuance of this engagement, this State finding that regulation of prices could not be supported, passed the Resolve of February 6th last, herewith inclosed, in order that our soldiers might be assured that there should be no failure of a just settlement and payments at the end of the war, agreeable to the true value of their first engagement. Upon the late requisition of your honorable Body to reinlist the fifteen battalions assigned to this State as their quota, we found it further necessary to settle and pay the ballances due to them at the rate of depreciation, up to the 1st day of January current, without which there was no prospect of success in reinlisting the army. This rate of depreciation has been agreed upon by a Committee of the army appointed for that purpose, and has been adopted by the General Assembly of this State, and an act has passed to carry the same into execution, and pay the ballances due to the respective soldiers, which schedule of depreciation and the said act respecting the same we send inclosed. We trust this measure is agreeable to the ideas of Congress in their recommendation of August 17th last; and we have the rather adopted it, as we conceive it to be the best rule of justice and compensation between all parties. In order to carry this proposed settlement into execution, we are obliged to apply to your honorable body for information of all supplies and provisions of any kind, which they have made, and articles of every kind which they intend to be charged to the officers and soldiers of the army, upon their pay being made good to them, according to the rate of depreciation. We wish to be informed among other things, whether the half-pay for seven years after the war granted to the officers, as also the increased subsistence money, the cloathing furnished the officers by the Clothier-General at a reduced price, and the increased pay of the officers, are of this kind. We apprehend the general service will be greatly promoted by receiving all necessary informations on the above subjects as soon as may be, as no settlement can take place without it.

*Resolved*, That the President of the Council be and hereby is requested to sign a fair copy of the foregoing Letter, and transmit the same, with copies of the papers therein referred to, to the President of the Honorable Congress, inclosed in the Letter to the Delegates open in their Letter.

*Letter to the Delegates representing this State in Congress.*

GENTLEMEN,

Herewith you have an address to the Honorable Congress, respecting the measures we have taken to settle with and reinlist the quota of the Continental army raised by this State. As this is a matter of very great and pressing importance to us, you will therefore give a close attention to it, and use your endeavours that we have speedy, explicit and satisfactory answers to the same. It is the expectation of this State that all those expences (being in their nature only a fulfilment of the original engagement of Congress to their army, to pay them a certain sum as wages) will be charged

Dec. Session,  
chap. 123.

Province  
Laws, v., 642,  
chap. 46;  
xx., 587,  
chap. 448.  
*Ante*, p. 351,  
chap. 765.



by Congress to the debt of the United States, and to the credit of this State. We therefore desire you would inform us whether this matter has been settled or considered, and what your apprehensions of this matter are, as soon as may be.

*Resolved*, That the President of the Council be and he is hereby requested to sign a fair copy of the above Letter, and transmit the same, together with the Letter to the President of Congress unsealed, to the Delegates of this State at Congress. [*Passed January 13.*]

## CHAPTER 785.

Legislative  
Records of the  
Council,  
xl., 257.  
Mass.  
Archives,  
ccxxvi., 95.  
Mass.  
Resolves,  
Dec. Session,  
chap. 113.

RESOLVE DIRECTING THE TREASURER TO STAY HIS EXECUTIONS AGAINST FRYEBURG.

WHEREAS the Assessors of the Town of Fryburg have not yet received the late determination of this Court respecting the taxes assessed on said town:

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer be and he is hereby directed to stay his executions against the Collectors of the town of Fryburg 'till further order of this Court. [*Passed January 14.*]<sup>2</sup>

Mass.  
Archives,  
ccxxvi., 96-121.  
*Ante*, p. 339,  
chap. 738.

## CHAPTER 786.

Legislative  
Records of the  
Council,  
xl., 260.  
Mass.  
Archives,  
ccxxvi., 123.  
Mass.  
Resolves,  
Dec. Session,  
chap. 132.  
*Ante*, p. 345,  
chap. 755.

RESOLVE DIRECTING DEPUTY QUARTERMASTER GENERAL CHASE TO DELIVER TWELVE CORDS OF WOOD TO THE OVERSEERS OF THE POOR OF BOSTON.

*Resolved*, That the Deputy-Quarter-Master-General, Col. [Thomas]<sup>3</sup> Chase, be directed to deliver the Overseers of the poor of the town of Boston twelve cords of the wood that is now on Rowe's wharf, taken from the sloop belonging to Davis Hatch, they paying for the same as Col. Chase gave. [*Passed January 14.*]

## CHAPTER 787.

RESOLVE EMPOWERING THE COMMITTEE OF ACCOUNTS TO PASS ACCOUNTS FOR SUPPLYING SOLDIERS' FAMILIES NOT GIVING CREDIT FOR THE 20s. PER MONTH AS BY RESOLVE OF OCTOBER 10TH, 1777.

WHEREAS by a Resolve of this Court of the 1st of October 1779, the Committee on Accounts were directed, where the Selectmen or Committees of any Towns exhibit their accounts for necessities supplied the families of soldiers in the Continental army, and do not give credit for the twenty shillings per month, as ordered in a Resolve of this Court of the 10th of October 1777, that the Committee on Accounts shall deduct said twenty shillings from said accounts, which direction may in some cases prove injurious: Therefore

*Resolved*, That when the Selectmen or Committees of any Town shall exhibit their accounts for necessities supplied as aforesaid, and shall not give credit for said twenty shillings per month, the

<sup>1</sup> Province Laws, xx., 583, chap. 439.

<sup>2</sup> This date is January 13 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>3</sup> *Ante*, p. 293, chap. 626.



Committee on Accounts may pass such Selectmen or Committees accounts, said Resolve of the 1st of October 1779 notwithstanding. [*Passed January 14.*]

## CHAPTER 788.

### RESOLVES VESTING THE COUNCIL WITH CERTAIN POWERS DURING THE RECESS OF THE GENERAL COURT.

WHEREAS it is necessary for the public safety that certain powers should be lodged in the Council, other than those they are usually vested with: Therefore

*Resolved*, That until the next sitting of the General Court the Honorable Council be and they hereby are fully authorized and impowered, to nominate and appoint, as occasion may require, such commission officers in any of the land forces or armed vessels, in the service and pay of this State, and also in the militia, whose places by death or otherways are or may (in the recess of the Court) become vacant, as to them shall appear necessary, and put them under the command of such officer or officers as they judge proper; also to treat and conclude treaties of amity and friendship with any Indians that may arrive in this State, and make such provision for them as they shall judge necessary. And it is further

*Resolved*, That the major part of the Council shall have full power and authority to examine, allow and pass on the pay-rolls of the sea-coast men and their Commissaries accounts, and also the rolls of the militia, who may have been in service; any Act or Resolve to the contrary notwithstanding. And it is also

*Resolved*, That the Honorable Council be and they hereby are authorized and impowered to detach from the militia of this State, under the proper officers of the same, any number not exceeding two thousand men to do duty out of this State, but upon the Continent, for a term not exceeding four months, but subject to be recalled at any time by the Council or General Court. And the Honorable Council are further authorized and impowered to appoint and commission, if they judge it necessary, a Captain of Marines for the ship Protector, and also such number of Midshipmen, in the room of Prize-masters, as they judge necessary for said ship; and also make such alteration in the establishment for dividing the captors half of any prizes that may be taken by said ship, as to them shall appear necessary and equitable. And it is further

*Resolved*, That the Honorable Council be and they hereby are further authorized and impowered to convene the General Court or Assembly at an earlier day than that to which it shall be adjourned or prorogued, if they shall judge the public service requires it. And also, if occasion shall require, to give orders for raising any number of men not exceeding five hundred, for the defence of the Eastern parts of this State, to be continued in service not exceeding three months, and appoint proper officers to command the same, and grant Warrants on the Treasury for such sums as shall be necessary to supply the men so raised. And it is further

*Resolved*, That the Honorable Council be impowered to send one or more suitable persons to make such discoveries of the disposition, numbers and movements of the enemy at Penobscot, as may ascertain their strength and situation, and the practicability of dislodging them. And the Council are hereby requested to forward a letter to Congress, stating the importance of the bay, harbour and environs of Penobscot to this and the other United

Legislative  
Records of the  
Council,  
xt., 262.  
Mass.  
Archives,  
ccxxvi., 125-  
128<sup>1</sup> 2. Mass.  
Resolves,  
Dec. Session,  
chap. 134.



States, to press upon Congress the expediency of recovering the posts now occupied by the enemy in the Eastern parts of this State, and to solicit their aid and attention for this purpose. [*Passed January 14.*]

## CHAPTER 789.

RESOLVE DIRECTING THE BRIGADIER OF MIDDLESEX COUNTY TO CALL THE OFFICERS OF THE 7TH REGIMENT TOGETHER TO CHOOSE SUITABLE FIELD OFFICERS.

Legislative  
Records of the  
Council,  
xl., 263.  
Mass.  
Archives,  
ccxxvi., 129.  
Mass.  
Resolves,  
Dec. Session,  
chap. 136.

WHEREAS the 7th regiment in the county of Middlesex is destitute of a corps of field officers: Therefore

*Resolved*, That [Eleazar Brooks, Esq.,]<sup>1</sup> the Brigadier of the said county be and he hereby is directed to call all the officers now in said regiment together, in order that they may agree upon suitable persons for field-officers, and the said Brigadier is directed to lay the names of such persons as the said officers may agree on, before the General Court at their next sitting. [*Passed January 14.*]

## CHAPTER 790.

RESOLVE REQUESTING THE COUNCIL TO GIVE ORDERS TO THE AGENTS OF ABSENTEES' ESTATES FOR THE LEASING OF THE SAME.

Legislative  
Records of the  
Council,  
xl., 263.  
Mass.  
Archives,  
ccxxvi., 130.  
Mass.  
Resolves,  
Dec. Session,  
chap. 135.

IT BEING REPRESENTED to this Court that many of the Absentees estates have been leased much below their real value: And whereas the time for leasing said estates will arrive before the next sitting of the General Court: Therefore

*Resolved*, That the Honorable Council be and they hereby are impowered and requested to give such orders to the Agents on said estates, and the Committees where no Agent is appointed, as will prevent the Government from suffering by said estates being leased the ensuing spring below the value. [*Passed January 14.*]

## CHAPTER 791.

RESOLVES GIVING ADDITIONAL INSTRUCTIONS TO THE COMMITTEE TO SETTLE WITH THE ARMY.

Legislative  
Records of the  
Council,  
xl., 264.  
Mass.  
Archives,  
ccxxvi., 131.  
Mass.  
Resolves,  
Dec. Session,  
chap. 133.  
*Ante*, p. 352,  
chap. 136.

*Resolved*, That the following additional instructions be given to the Committee appointed to settle with the army, viz. That no officer is to be made good in more than one capacity, and that those officers and soldiers who shall appear to be inhabitants of this State, agreeable to the method prescribed by the resolution of Congress of the 15th of March last, ascertaining the State to which certain officers and soldiers belong, who are in [Colonels Moses]<sup>2</sup> Hazen's and [Henry]<sup>3</sup> Sherburn's regiments, are to be included in the settlement, and reckoned as part of this State's quota of the Continental army. All the small stores and cloathing which have been supplied the army by this State to be taken into the account for the settlement with the army, in such manner as the Commit-

<sup>1</sup> Province Laws, xx., 534, chap. 291.

<sup>2</sup> *Ante*, p. 218, chap. 461.

<sup>3</sup> Massachusetts Muster and Payrolls, vol. 26, p. 401½.



tee shall think just and equitable upon examining the Commissioners accounts; the gratuity money raised by lottery, and the monies advanced to the officers shall be charged to the respective accounts of the officers and soldiers on the day they received it, in case it can be ascertained, if not on the day their several warrants on the Treasurer were dated; and in case any doubts and difficulties should arise in the minds of the Committee relative to the beforementioned settlement:

*Resolved*, That in such case they are hereby directed to apply to the Honorable Council, who are hereby impowered and requested to give them such further instructions as they may think necessary. [Passed January 14.

## CHAPTER 792.

RESOLVES DIRECTING THE TREASURER TO ISSUE EXECUTIONS AGAINST ALL DELINQUENT COLLECTORS OF TAXES, THE SHERIFFS TO SERVE THE SAME AND THE SECRETARY TO PUBLISH THIS RESOLVE IN THE BOSTON AND WORCESTER NEWSPAPERS.

WHEREAS it is absolutely necessary that the Collectors of public taxes should be punctual in the payment of the same when they become due:

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be and he hereby is directed to issue his executions on the 3rd Wednesday of March next against all Collectors of public taxes, who shall be deficient in their payments of taxes that shall become due on the last day of February next. And it is further

*Resolved*, That the several Sheriffs to whom said executions shall be sent are directed to govern themselves agreeable to a Resolve of this Court of the 17th of December last, directing the Treasurer to send his executions to delinquent Collectors. And it is further

*Resolved*, That the Secretary be directed to publish this Resolve in the Boston and Worcester news-papers. [Passed January 14.

Legislative  
Records of the  
Council,  
xl., 265.  
Mass.  
Archives,  
cxxxv., 134.  
Mass.  
Resolves,  
Dec. Session,  
chap. 129.

*Ante*, p. 291,  
chap. 640.

## CHAPTER 793.

RESOLVE REQUESTING THE PRESIDENT OF THE COUNCIL TO SIGN AND TRANSMIT LETTERS RELATING TO THE REPEAL OF THE ACT LAYING AN INLAND EMBARGO, TO THE STATES OF NEW YORK, CONNECTICUT, RHODE ISLAND AND NEW HAMPSHIRE.

SIR,

The General Assembly of this State have under their consideration a bill for the repeal of a late act laying an inland embargo. This bill is founded on the recommendatory Resolve of Congress of August 21, 1779, and the Report of the Convention formed by the five Eastern States at Hartford, in September last. The bill would have passed into a law had the Assembly received any assurances that similar repeals would have taken place in the States of Rhode-Island and Connecticut: But, however desirous we are to comply with the wise recommendation of Congress, and to preserve a unity of conduct in the several States, in this business, we find ourselves under the necessity of suspending the proposed repeal, in order to prevent those mischiefs that must inevitably ensue to this State, should our embargo be taken off, while the embargo acts of

Mass.  
Resolves,  
Dec. Session,  
chap. 131.

Province  
Laws, v., 1114,  
chap. 13.

<sup>1</sup> *Ante*, p. 337, chap. 734.



Rhode-Island and Connecticut continue in force. We therefore, Sir, are desirous of knowing whether the Legislature of Connecticut have it in contemplation to repeal their inland embargo acts; and assurance from you or your Excellency that such a measure has already been or soon shall be adopted, will remove those obstructions which hitherto have impeded this measure on the part of this State. We request an early answer to this letter, that we may the sooner be enabled to remove the inconveniences and prevent the jealousies, which embargo acts have a natural tendency to produce and excite, and speedily to restore unconfined intercourse in commerce which must always operate to the mutual advantage of the respective States.

*Resolved*, That the President of the Honorable Council be and he hereby is requested to sign four fair copies of the foregoing letter, and cause one of them to be transmitted to each of the States of New-York, Connecticut, Rhode-Island and New-Hampshire. [*Passed January 14.*]

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## CHAPTER 794.

Legislative  
Records of the  
Council,  
xl., 265.  
Mass.  
Archives,  
ccxxvi., 135.  
Mass.  
Resolves,  
Dec. Session,  
chap. 137.

RESOLVE GIVING DAY TO ALL MATTERS IN THE NEXT SITTING OF THE GENERAL ASSEMBLY THAT HAVE HAD DAY IN THE PRESENT SESSION.

*Resolved*, That all Matters that have had day in the General Assembly the present session, and have not been passed upon, have the same day in the next session.<sup>1</sup> [*Passed January 14.*]

<sup>1</sup> Adjourned to March 8. — Legislative Records of the Council, xl., 267.



## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE NINTH DAY OF MARCH, A.D. 1780.

## CHAPTER 795.

RESOLVE AUTHORIZING THE COUNCIL TO ISSUE WARRANTS, NOT  
EXCEEDING £50,000, IN FAVOR OF THEIR COMMITTEE ON AC-  
COUNTS.

WHEREAS it appears to this Court that the Money that has  
been appropriated for the payment of such Accounts as have been  
allowed by the Committee for examining and passing Accounts  
was expended, and as it is necessary that a further Sum should  
be appropriated for that purpose: Therefore

*Resolved*, That the Honorable Council be and they hereby are  
authorized to issue their Warrants from time to time on [Henry  
Gardner, Esq.,]<sup>1</sup> the Treasurer of this State, in favour of the  
Committee appointed by Council to concur in allowing and pass-  
ing Accounts, for such Sum or Sums of Money as they (the Coun-  
cil) shall think necessary for payment thereof; provided the amount  
of such Warrants shall not exceed the sum of Fifty Thousand  
Pounds. Said Committee to be accountable for the expenditure  
of the Money they shall receive. [*Passed March 10.*]

Legislative  
Records of the  
Council,  
xl., 273.  
Mass.  
Archives,  
ccxxvi., 139.  
Mass.  
Resolves,  
March Session,  
chap. 1.

## CHAPTER 796.

RESOLVE FOR LICENSING NATHAN PUTNAM TO KEEP A TAVERN  
IN STOW.

ON THE PETITION of Nathan Putnam [of Stow],<sup>2</sup> praying that  
the Court of General Sessions of the Peace for the County of  
Middlesex may be impowered to grant the Petitioner license to  
keep a public tavern:

*Resolved*, That the prayer of the Petition be granted, and the  
Court of General Sessions of the Peace, next to be holden at Con-  
cord, in and for the County of Middlesex, be and hereby are  
impowered to grant license to Nathan Putnam to keep a public  
tavern, he producing a certificate from the Selectmen of said  
Town as the law directs; any Law or Resolve of this Court to  
the contrary notwithstanding. [*Passed March 10.*]

Legislative  
Records of the  
Council,  
xl., 274.  
Mass.  
Archives,  
ccxxvi., 140.  
Mass.  
Resolves,  
March Session,  
chap. 2.  
Mass.  
Archives,  
ccxxvi., 141,  
142.

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> Massachusetts Archives, ccxxvi., 142.



## CHAPTER 797.

Legislative  
Records of the  
Council,  
xl., 275.  
Mass.  
Archives,  
ccxxvi., 145.  
Mass.  
Resolves,  
March Session,  
chap. 3.

RESOLVE GRANTING £20,000 TO THE BOARD OF WAR TO ENABLE THEM TO COMPLETE THE SHIP PROTECTOR.

ON THE REPRESENTATION of the Board of War, setting forth, that they are unable to dispatch the Ship Protector for want of Money:

Mass.  
Archives,  
ccxxvi., 143.  
*Ante*, p. 343,  
chap. 749.

*Resolved*, That there be paid out of the public Treasury to the Board of War the Sum of Twenty Thousand Pounds, to enable them to complet the said Ship without delay. [*Passed March 13.*]

## CHAPTER 798.

RESOLVE ADJOURNING THE INFERIOR COURT OF COMMON PLEAS IN THE COUNTY OF YORK FROM THE FIRST TUESDAY OF JANUARY LAST UNTIL THE SECOND TUESDAY OF APRIL NEXT.

Legislative  
Records of the  
Council,  
xl., 275.  
Mass.  
Archives,  
ccxxvi., 146.  
Mass.  
Resolves,  
March Session,  
chap. 4.

WHEREAS the difficulty and hazard of travelling on the 1st Tuesday of January last prevented the Justices of the Inferior Court of Common Pleas, or any two of them, meeting together for holding or adjourning the Inferior Court of Common Pleas in the County of York, and as a failure of Justice may arise to the suitors thereat, unless a remedy is provided in that behalf: It is therefore

*Resolved*, That all actions pending in the said Inferior Court of Common Pleas on the 1st Tuesday of January last, and all Writs and other Processes returnable thereat may be returned, taken up, acted upon and have day in the Inferior Court of Common Pleas by law appointed to be held at York, within and for the County of York, on the 2nd Tuesday of April next, as fully and effectually as they might have been on the 1st Tuesday of January last, of which all Persons interested are to take notice and govern themselves accordingly. [*Passed March 14.*]<sup>1</sup>

## CHAPTER 799.

RESOLVES PERMITTING ABIGAIL KEELER OF LENOX TO DISPOSE OF HER EFFECTS AND TO PROCEED TO NEW YORK WITH HER FOUR CHILDREN.

Legislative  
Records of the  
Council,  
xl., 276.  
Mass.  
Archives,  
cxxxvi., 80.  
Mass.  
Resolves,  
March Session,  
chap. 8.

UPON THE PETITION of Abigail Keeler, praying that she may have permission to go to New-York with her four children:

*Resolved*, That the prayer of said petition be granted, and that the said Abigail Keeler be and she hereby is permitted with her four children to leave this State and proceed to New-York, and that the said Abigail Keeler do not return to this State without leave first obtained from the General Court. And it is further

Mass.  
Archives,  
cxxxvi., 79.

*Resolved*, That the said Abigail Keeler have, and she hereby has permission to dispose of one cow, six sheep, and the few household goods which were left in her custody by the Committee of the Town of Lenox. [*Passed March 14.*]

<sup>1</sup> This date is same in Massachusetts Resolves, but March 13 according to Legislative Records of the Council.



## CHAPTER 800.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER ONE FIRE-ARM FOR THE USE OF JOHN CARTER, IN LIEU OF SAME LOST AT RHODE ISLAND IN 1778.

Legislative  
Records of the  
Council,  
xl., 276.  
Mass.  
Archives,  
cxxxvi., 150.  
Mass.  
Resolves,  
March Session,  
chap. 7.

ON THE PETITION of John Carter, praying for an allowance for a small arm and sundry accoutrements, which he lost in the expedition to Rhode-Island, in August 1778:

*Resolved*, That the prayer thereof be granted, and that the Board of War be and they hereby are directed to deliver to Mr. Joseph Allen one fire-arm, for the use of the petitioner, in full compensation for his loss. [*Passed March 14.*]

Mass.  
Archives,  
cxxxvi., 151;  
cclxxxv., 80.

## CHAPTER 801.

RESOLVE DIRECTING THE NAVAL OFFICER OF THE PORT OF BOSTON TO CLEAR OUT THE SCHOONER LUKE, EBENEZER SHEARMAN, MASTER, FOR RHODE ISLAND WITH NAILS, MOLASSES, SUGAR, COFFEE, TAFIA AND RUM IMPORTED BY ROBERT CHAMPLIN AND SAMUEL WICKHAM OF SAID STATE.

ON THE PETITION of Ellis Gray, praying for liberty to export sundry articles to Rhode-Island:

*Resolved*, That the prayer of said petition be granted, and [Nathaniel Barber, Esq.,]<sup>1</sup> the Naval-Officer for the Port of Boston be and he is hereby directed to clear out for the Island of Rhode-Island, on board the schooner Luke, Ebenezer Shearman, master, nineteen casks of nails, two casks of molasses, eighteen barrels and one hogshead of sugar, seven barrels of coffee, eight teirces of taffier, and one cask of rum, on said Gray's making oath that the said articles were imported into this State by Robert Champ-  
lin and Samuel Wickham, of the State of Rhode-Island, and are their property, as set forth in his petition. [*Passed March 14.*]

Legislative  
Records of the  
Council,  
xl., 276.  
Mass.  
Archives,  
cxxxvi., 148.  
Mass.  
Resolves,  
March Session,  
chap. 6.  
Mass.  
Archives,  
cxxxvi., 149.

## CHAPTER 802.

RESOLVE GRANTING £5,000, ADDITIONAL, TO EACH OF THE JUSTICES OF THE SUPERIOR COURT FOR THEIR SERVICES THE YEAR PAST.

*Resolved*, That there be paid out of the public Treasury to the Hon. William Cushing, Nathaniel Peasley Sergeant, James Sullivan, and David Sewall, Esquires, Justices of the Superior Court, the Sum of Five Thousand Pounds each, in addition to the sum or sums already granted them for their services the year past. [*Passed March 14.*]

Legislative  
Records of the  
Council,  
xl., 277.  
Mass.  
Archives,  
cxxxvi., 147.  
Mass.  
Resolves,  
March Session,  
chap. 5.

*Ante*, p. 272,  
chap. 578.

<sup>1</sup> *Ante*, p. 333, chap. 716.



## CHAPTER 803.

Legislative  
Records of the  
Council,  
xl., 277.  
Mass.

Archives,  
ccxxvi., 155.  
Mass.  
Resolves,  
March Session,  
chap. 11.

Mass.  
Archives,  
ccxxvi., 156.

RESOLVE GRANTING £800 TO WILLIAM BAKER, MESSENGER OF THE GENERAL COURT, FOR HIS SERVICES FOR ONE QUARTER OF A YEAR.

ON THE PETITION of William Baker, Messenger of the General Court:

*Resolved*, That there be allowed and paid out of the public Treasury to William Baker, the sum of Eight Hundred Pounds, for his services for a quarter of a year, commencing the 26th day of last February. [*Passed March 15.*]

## CHAPTER 804.

Legislative  
Records of the  
Council,  
xl., 279.  
Mass.

Archives,  
ccxxvi., 152.  
Mass.  
Resolves,  
March Session,  
chap. 10.

Mass.  
Archives,  
cxlii., 182.  
*Ante*, p. 368,  
chap. 797.

RESOLVE DIRECTING THE BOARD OF WAR TO PROCURE AT PROVIDENCE, OR ELSEWHERE, FOUR CANNON FOR THE SHIP PROTECTOR.

WHEREAS it is of the greatest importance that the ship Protector be immediately fitted for a cruize: Therefore

*Resolved*, That the Board of War be and they hereby are impowered and directed to procure, with all possible dispatch, at Providence or elsewhere, four twelve-pound cannon, if to be had, if not four nine-pound cannon. [*Passed March 15.*]

## CHAPTER 805.

RESOLVE DIRECTING THE COMMITTEE TO SETTLE WITH ARMY TO CERTIFY TO ONE HALF THE BALANCE DUE ANY CONTINENTAL OFFICER APPLYING FOR DEPRECIATION; REQUESTING THE COUNCIL TO GRANT WARRANTS FOR THE SAME AND DIRECTING THE TREASURER TO DELIVER THEM TWO NOTES OF EQUAL SUMS PAYABLE IN MARCH 1781 AND 1783.

Legislative  
Records of the  
Council,  
xl., 280.  
Mass.

Archives,  
ccxxvi., 200.  
Mass.  
Resolves,  
March Session,  
chap. 11.

WHEREAS several officers of the army are obliged to return to camp immediately, and as it is not in the power of the Committee who were appointed to settle with the army to ascertain the Balances of their accounts precisely at present: Therefore

*Resolved*, That said Committee be impowered and directed to certify to the Honorable Council, as near as conveniently may be, one half of the balance due to such officers as apply to them for the depreciation of their wages; and the Council are requested, upon receiving such certificates from said Committee, to grant warrants on [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer therefor, who is directed to deliver them two notes of equal sums, one of which to be payable in March, 1781, and the other in March, 1783. [*Passed March 15.*]

<sup>1</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 806.

RESOLVES FOR ADJOURNING THE SUPERIOR COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GAOL DELIVERY TO BE HELD AT NORTHAMPTON, PLYMOUTH AND BARNSTABLE UNTIL MAY NEXT.

WHEREAS there is only the space of one week between the time by law appointed for the sitting of the Superior Court of Judicature, &c., at Worcester and Northampton, the present year, and it being represented that that period will be insufficient for hearing and determining the causes pending therein by continuance, and such others as are and probably will be there pending by appeal: It is therefore

Legislative  
Records of the  
Council,  
xl., 280.  
Mass.  
Archives,  
ccxxvi., 208.  
Mass.  
Resolves,  
March Session,  
chap. 20.

*Resolved*, That the Superior Court of Judicature, Court of Assize and general Gaol Delivery, by law to be held at Northampton, within the County of Hampshire, for the Counties of Hampshire and Berkshire, on the last Tuesday of April next, be and hereby is adjourned to the 1st Tuesday of May next, then to be held at Northampton, for the said Counties of Hampshire and Berkshire, and all indictments, recognizances, writs, pleas, processes, and other matters pending, returnable, or having day in said Court, or at Springfield Court, that was adjourned unto said term, shall be returnable, have day, and be acted upon, in the same manner as though the said Northampton Court had not been adjourned: And that there may be no interference with the succeeding Superior Courts at Barnstable and Plymouth, It is further

*Resolved*, That the Superior Court of Judicature, Court of Assize and general Gaol Delivery, for the County of Plymouth, shall be held at Plymouth, within and for the County of Plymouth, this present year, on the 4th Tuesday of May, and at Barnstable, within and for the County of Barnstable, on the Wednesday immediately preceeding the 4th Tuesday of May, instead of the times at which they are now fixed by law. And all actions, writs, indictments, recognizances, and other processes, pending at or returnable unto said Plymouth and Barnstable Courts respectively, shall be returnable unto and have day in said Courts, at the times by which they are severally fixed for sitting by this Resolution. And all persons interested, summoned, or having business at the several Courts aforesaid are to take due notice and govern themselves accordingly. [*Passed March 16.*]

## CHAPTER 807.

RESOLVE ENTITLING LIEUT. WILLIAM MAYNARD, WOUNDED AT THE BATTLE OF BUNKER HILL, TO ONE QUARTER PAY FROM JANUARY 1, 1776 TO JUNE 1, 1779, WHEN HE JOINED THE CORPS OF INVALIDS.

Legislative  
Records of the  
Council,  
xl., 281.  
Mass.  
Archives,  
ccxxvi., 193.  
Mass.  
Resolves,  
March Session,  
chap. 18.

ON THE PETITION of John Lucas, Commissary of Pensioners, representing that Lieut. William Maynard, in Col. [John]<sup>1</sup> Nixon's Regiment and Capt. Thomas Drury's Company, was wounded on the heights of Charlestown the 17th of June 1775, by which wound he is rendered incapable of getting a livelihood:

Mass.  
Archives,  
ccxxvi., 194,  
195.

*Resolved*, That the said Lieut. William Maynard is intitled to one quarter of his pay from the 1st of January 1776 to the 1st of June 1779, at which time he joined the corps of Invalids. [*Passed March 16.*]

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, x., 402.



## CHAPTER 808.

Legislative  
Records of the  
Council,  
xl., 281.  
Mass.  
Archives,  
ccxxvi., 207.  
Mass.  
Resolves,  
March Session,  
chap. 17.  
Province  
Laws, v., 730,  
chap. 2.

RESOLVE PERMITTING THE NAVY BOARD TO SELL DAMAGED PROVISIONS, THE PROPERTY OF THE UNITED STATES, AT PUBLIC AUCTION.

ON THE REPRESENTATION of the Navy Board, setting forth, that they have a quantity of damaged provisions, the property of the United States, which they ask leave to sell at public auction:

*Resolved*, That the Navy Board be and they hereby are permitted to sell at public auction any damaged provisions they now have on hand, the Act against vendues to the contrary notwithstanding. [*Passed March 16.*]

## CHAPTER 809.

RESOLVE DIRECTING THE COMMANDER OF THE REGIMENT OF ARTILLERY TO DISCHARGE MEN OUT OF SAID REGIMENT THAT HAVE OR MAY ENLIST INTO THE CONTINENTAL ARMY.

Legislative  
Records of the  
Council,  
xl., 282.  
Mass.  
Archives,  
ccxxvi., 205.  
Mass.  
Resolves,  
March Session,  
chap. 19.  
Mass.  
Archives,  
ccxxvi., 206.

ON THE PETITION of [Sergt.]<sup>1</sup> William Pike, setting forth, that he has inlisted a number of men belonging to this State's train of artillery, whose times expire in May next [for the 2nd Regiment of Light Dragoons commanded by Col. [Elisha Sheldon]<sup>2</sup> Shuldham],<sup>1</sup> and praying the Court to discharge said men, to enable him to proceed to camp with them:

*Resolved*, That the prayer of the petition be granted, and [Lieut. Col. Paul Revere]<sup>3</sup> the commander of the regiment of the train of artillery of this State be and hereby is impowered and directed to discharge the men out of said regiment that have or may inlist into the Continental army during the war. [*Passed March 16.*]

## CHAPTER 810.

RESOLVE EMPOWERING NATHANIEL FISHER, GUARDIAN OF THE EIGHT CHILDREN OF JOHN DAVENPORT, JR., OF STOUGHTON, TO SETTLE WITH THE HEIRS OF JOHN DAVENPORT, SR.

Legislative  
Records of the  
Council,  
xl., 282.  
Mass.  
Archives,  
ccxxvi., 202.  
Mass.  
Resolves,  
March Session,  
chap. 15.  
Mass.  
Archives,  
ccxxvi., 203.

ON THE PETITION of Nathaniel Fisher, guardian to [Mary, Hannah, Jesse, Mehetebel, John, Sarah, Lois and Samuel, children and]<sup>4</sup> heirs of John Davenport, jun., late of Stoughton, deceased, praying that he may be impowered to settle with the heirs of John Davenport, the elder, late of Stoughton, deceased:

*Resolved*, That the prayer of the said petition be granted, and that the said Nathaniel Fisher be and he is hereby impowered, as guardian to the heirs of John Davenport, deceased, to settle with the heirs of John Davenport, the elder, deceased; he the said Nathaniel Fisher giving proper security to the Judge of Probate for the County of Suffolk for what may appear to be the proper share of each of the heirs of the said John Davenport, jun., deceased. [*Passed March 16.*]

<sup>1</sup> Massachusetts Archives, ccxxvi., 206.

<sup>2</sup> Heitman, Historical Register of Officers of the Continental Army, 1914.

<sup>3</sup> Massachusetts Soldiers and Sailors of Revolutionary War, xiii., 122.

<sup>4</sup> Massachusetts Archives, ccxxvi., 203.



## CHAPTER 811.

RESOLVE DIRECTING THE SHERIFF OF THE COUNTY OF SUFFOLK TO DELIVER WILLIAM GOLDSON, LATE SURGEON OF A BRITISH SLOOP OF WAR, CONFINED IN RETALIATION IN BOSTON GAOL, TO THE DEPUTY COMMISSARY OF PRISONERS TO BE SENT TO RUTLAND, AS A FREE USE OF THE AIR IS ABSOLUTELY NECESSARY TO THE RECOVERY OF HIS HEALTH.

WHEREAS it has been represented to this Court that the health of William Goldson, late surgeon of a British Sloop of War, who was committed to the Gaol in Boston, in consequence of a Resolve of the General Court passed the 2d of October 1779, to retaliate the ill treatment of Doct. John Quin, detained a prisoner at Halifax, is much impaired, and by a certificate of Doct. John Warren it appears that a free use of the air is absolutely necessary to the recovery of the health of the said Goldson. Therefore

*Resolved*, That the Sheriff of the County of Suffolk be and hereby is directed to deliver the said William Goldson to Joshua Massereau, Deputy Commissary of prisoners, who is hereby ordered and directed to send him to the barracks in the town of Rutland. [*Passed March 16.*]

Legislative  
Records of the  
Council,  
xl., 282.  
Mass.  
Archives,  
ccxxvi., 197.  
Mass.  
Resolves,  
March Session,  
chap. 16.

Mass.  
Archives,  
ccxxvi., 198.  
*Ante*, p. 184,  
chap. 386.

## CHAPTER 812.

RESOLVE DIRECTING THE AGENT FOR THE ESTATE OF JOSEPH GREEN, ESQ., ABSENTEE, TO GIVE POSSESSION OF A BRICK HOUSE IN SCHOOL STREET, BOSTON, TO JEREMIAH POWELL, ESQ., FOR SUCH RENT AND TIME AS THE GENERAL COURT SHALL HEREIN-AFTER DIRECT.

ON THE PETITION of Jeremiah Powell, Esq:

*Resolved*, That the Agent for the estate of Joseph Green, Esq., an Absentee, be and he is hereby authorized and directed to give the said Jeremiah Powell, Esq., possession of a brick house in School-street, which belonged to said Green, for reasons set forth in said petition, on the 1st day of April next; he paying such rent, and to continue in said house so long as the General Court hereafter shall order and direct. [*Passed March 17.*]

Legislative  
Records of the  
Council,  
xl., 283.  
Mass.  
Archives,  
ccxxvi., 226.  
Mass.  
Resolves,  
March Session,  
chap. 27.

Mass.  
Archives,  
ccxxvi., 227.

## CHAPTER 813.

RESOLVE DIRECTING THE TREASURER TO PAY £20,000 TO THE BOARD OF WAR, ANY APPROPRIATION TO THE CONTRARY NOTWITHSTANDING.

WHEREAS this Court did this present session by a Resolve direct that Twenty Thousand Pounds should be paid out of the public Treasury to the Board of War to enable them to procure guns and such other articles as were necessary to fit the Ship Protector for sea, and as it has been represented to this Court that the money in the Treasury is appropriated for other purposes: Therefore

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer be directed, and he is hereby directed accordingly to pay the aforesaid sum of Twenty Thousand Pounds to the Board of War, agreeable to the warrant of the Honorable the Major Part of the Council of the 13th of this instant March, for that purpose, any other appropriation of the money in the Treasury to the contrary notwithstanding. [*Passed March 17.*]

Legislative  
Records of the  
Council,  
xl., 284.  
Mass.  
Archives,  
ccxxvi., 222.  
Mass.  
Resolves,  
March Session,  
chap. 21.

*Ante*, p. 368,  
chap. 797;  
p. 370,  
chap. 804.

<sup>1</sup> *Ante*, p. 337, chap. 731.



## CHAPTER 814.

RESOLVES DIRECTING RICHARD DEVENS, ESQ., AGENT, TO SUSPEND THE LEASING AT AUCTION OF THE HOUSE OF MRS. MARGARET DRAPER, ABSENTEE, AND PERMITTING HIM TO OCCUPY IT FOR SUCH TIME AND RENT AS THE COURT MAY HEREAFTER ORDER.

Legislative  
Records of the  
Council,  
xl., 284.  
Mass.  
Archives,  
ccxxvi., 220.  
Mass.  
Resolves,  
March Session,  
chap. 24.

Mass.  
Archives,  
ccxxvi., 221.

WHEREAS Richard Devens, Esq., Commissary-General of this State, has represented to this Court that he is Agent for the estate of Mrs. Margaret Draper, an absentee, and that he now lives in the house of the said Margaret Draper, the lease of which house he has, agreeable to law, advertized for Sale; and also further represents that the execution of his business renders it necessary for him to reside in Boston, and that it will be very difficult for him to procure a house, if the one above-mentioned should be purchased by any other person: Therefore

*Resolved*, That Richard Devens, Esq., Agent upon the estate of Mrs. Margaret Draper, an Absentee, be directed and he is hereby accordingly directed to suspend the leasing the house of said Margaret Draper at auction. And be it further

*Resolved*, That the aforesaid Richard Devens be permitted to occupy the house aforesaid for such time and upon such rent as the Court may hereafter order. [*Passed March 17.*]

## CHAPTER 815.

RESOLVE DIRECTING THE COMMITTEE OF SEQUESTRATION TO DISCHARGE THE HON. SAMUEL ADAMS, ESQ., OF £92.17s. FOR FURNITURE OF ABSENTEES IN HIS POSSESSION IN FULL COMPENSATION FOR HIS SERVICES AS CLERK OF THE HOUSE OF REPRESENTATIVES IN 1774.

Legislative  
Records of the  
Council,  
xl., 285.  
Mass.  
Archives,  
ccxxvi., 223.  
Mass.  
Resolves,  
March Session,  
chap. 22.

Mass.  
Archives,  
ccxxvi.,  
224, 225.

ON THE PETITION of the Hon. Samuel Adams, Esq., praying that he may be, for reasons set forth in the same, permitted to purchase certain articles of furniture, with the use of which, out of the estates of absentees, he has been indulged:

*Resolved*, That the prayer of the aforesaid petition be so far granted, that the aforesaid articles, amounting as per a schedule and apprizement received from the Clerk of the Committee of Sequestration, to ninety-two Pounds seventeen Shillings, be granted to the said Samuel Adams, Esq., in full compensation for his services as Clerk of the House of Representatives for the year 1774, for which it appears he has had no reward; and the Committee of Sequestration are hereby directed to discharge him from any demand on account of said articles. [*Passed March 17.*]

[The body of the petition and a copy of the schedule follow:]

*The Petition of Samuel Adams of Boston*

Humbly shews, That when the British Troops were in possession of the Town of Boston in 1775, he suffered the Loss of the greatest, and most Valuable Part of his Household Furniture and has since been indulged with the use of sundry Articles belonging to certain Absentees, until the General Assembly should be pleased otherwise to order them to be disposed of.

Your Petitioner prays this Honorable Court, that he may be permitted to avail himself of the purchase of the said Furniture at the Prices that may be set upon them by good and discrete men.

And as in Duty bound he shall pray, &c.

SAM[UEL] ADAMS  
Massachusetts Archives, ccxxvi., 224.



*Memorandum of sundry articles delivered Hon. Mr. Adams.*

1 feather bed, bolster and pillow, 45 lb. @ 12s.,		£28. 0.0
1 pallet bedstead from Capt. Prentiss,		
8 leather chairs, } 12 @ 36s. from Thomas Hutchinson,		21.12.0
4 horse,		
2 carpets from [William] <sup>1</sup> Birch and 1 from [Capt. Charles] <sup>2</sup> Paxton,		6. 0.0
12 pewter plates 40s., 1 large bell metal skillet 42s. from ——— Smith,		4. 2.0
1 folding board 6s, 1 pair tongs and shovel 30s. from ——— Smith,		1.16.0
1 pickle pot 3s. from Capt. [Charles] <sup>2</sup> Paxton, 1 gridiron 12s. from Foster Hutchinson,		0.15.0
1 round large table from John Powell,		2. 8.0
2 good looking glasses from John Powell @ £12,		24. 0.0
1 pair large brass andirons from Thomas Hutchinson,		3.12.0
3 leather chairs @ 4s.,		0.12.0
Copy,		£92.17.0

Massachusetts Archives, ccxxvi., 225.

## CHAPTER 816.

RESOLVE PERMITTING PAUL AND WILLIAM RAYMOND TO RE-ENTER AT THE NEXT SUPERIOR COURT AT WORCESTER TWO ACTIONS OF DOWER COMMENCED AGAINST THEM BY MERCY WOOLLY.

THE COMMITTEE of both Houses appointed upon the petition of Paul Raymond and William Raymond, praying for leave to re-enter two Actions of Dower commenced against them by Mercy Woolly at the next sitting of the Superiour Court to be holden at Worcester for reasons set forth in said petition, having attended that service, heard the parties by their Attorneys, ask leave to report the following Resolve:

Which is submitted

MOSES GILL per Order

*Resolved*, That the prayer thereof be granted, and that the petitioners be and hereby are allowed to re-enter the two actions therein mentioned at the next Superior Court to be holden at Worcester, in and for the County of Worcester, on the 3rd Tuesday of April next; and the Justices of said Court are hereby authorized and directed to proceed to the trial of the said cause, in manner as by law they might have done on the first entry, the petitioners notifying the said Mercy Woolly hereof, by serving her with a copy of this order fourteen days at least before the sitting of said Court; and all proceedings on the former judgment in the mean time are hereby suspended.

In Council

Read and accepted

In the House of Representatives

Read and Concurred. [*Passed March 17.*]

Legislative  
Records of the  
Council,  
xl., 285.  
Mass.  
Archives,  
ccxxvi., 219.  
Mass.  
Resolves,  
March Session,  
chap. 25.

Mass.  
Archives,  
ccxxvi., 267.

## CHAPTER 817.

RESOLVE SUSPENDING THE LEASE OF THE HOUSE OF JOSEPH SCOTT, ABSENTEE, AND PERMITTING HIS WIFE FREELOVE SCOTT TO OCCUPY AND ENJOY SAID HOUSE FREE OF RENT UNTIL FURTHER ORDER.

ON THE PETITION of Freelove Scott, praying that she may be indulged with the privilege of living in the house (she now occupies) without paying a rent, at least 'till she is possessed of the thirds of her husband's property:

Legislative  
Records of the  
Council,  
xl., 286.  
Mass.  
Archives,  
ccxxvi., 228.

<sup>1</sup> Foote, King's Chapel, II, 601.<sup>2</sup> Stark, Loyalists of Massachusetts, p. 318.



Mass.  
Resolves,  
March Session,  
chap. 29.

Mass.  
Archives,  
ccxxvi., 229.

*Resolved*, That the prayer of said petition be so far granted, that the said Freelove Scott have leave to occupy and enjoy said house free of rent, 'till the further order of the General Court, any Law or Resolve of this State to the contrary notwithstanding: And the Agent to the estate of Joseph Scott is hereby directed not to lease said house until the further order of the General Court. [*Passed March 17.*]

## CHAPTER 818.

RESOLVE CHOOSING A COMMITTEE TO REPAIR TO STOUGHTONHAM, AND CONSIDER THE ANNEXATION OF A PART OF STOUGHTON TO THE SAME.

Legislative  
Records of the  
Council,  
xl., 286.  
Mass.  
Archives,  
ccxxvi., 209.  
Mass.  
Resolves,  
March Session,  
chap. 26.

Mass.  
Archives,  
ccxxvi., 210.

THE COMMITTEE of both Houses on the Petition of the Town of Stoughtonham, praying that a certain tract of land, as described in the petition (in which tract the dwelling house and land of John Tolman, one of the petitioners is included) may be annexed to the Town of Stoughtonham, also the petition of Elijah Dunbar, Esq., in behalf of the Town of Stoughton, praying that the consideration of said petition of Stoughtonham may be postponed to a further time, have attended that service; and upon the mutual agreement of the parties then present, report as our opinion, that a Committee from this Court repair to the Town of Stoughtonham, view the land mentioned and hear the parties, and the expence of said Committee for viewing the same be paid by the Town of Stoughtonham, and make report to this Court. All which is humbly submitted

SAMUEL NILES per Order

In Council

Read and Accepted and thereupon

*Resolved*, That Samuel Niles, Esq., with such as the Honorable House shall join, be a Committee to repair to the Town of Stoughtonham for the purpose mentioned in the above Report.

In the House of Representatives

Read and Concurred and Mr. [Daniel]<sup>1</sup> Perry of Medfield and Capt. [Joseph]<sup>1</sup> Williams of Roxbury are joined. [*Passed March 17.*]

## CHAPTER 819.

RESOLVE DEBARRING THE ESTATE OF THE LATE WILLIAM AP-THORP OF BOSTON FROM SEQUESTRATION AND DELIVERING IT TO MARY APTHORP, HIS WIDOW, THAT SHE MAY ADMINISTER THEREUPON.

Legislative  
Records of the  
Council,  
xl., 287.  
Mass.  
Archives,  
ccxxvi., 216.  
Mass.  
Resolves,  
March Session,  
chap. 23.

Mass.  
Archives,  
ccxxvi., 215-217.

ON THE PETITION of Mary Apthorp of Boston, widow, that her late husband William Apthorp having left the town of Boston sometime in the year 1775 went to England, for the sole purpose of settling his Affairs there which were so intricate as to make his Presence there necessary, that, being as she conceives mistaken for one of his Brothers, his Estate was taken into the hands of the Committee of Sequestration and an Agent has since been appointed thereon, your Petitioner humbly conceives the same ought not to be confiscated nor probably will your Honours ever think fit, to confiscate the same, but her said husband is unfortunately for her dead, and has left her with six small children, the eldest of which is not yet ten years of age. He has left an

<sup>1</sup> *Ante*, p. 4.



house and small spot of land in this town and the whole amount of his personal Estate is scarcely sufficient to pay his other debts and those charges which the support of her and her children at board have already amounted to, the children are too young to do anything for their own or her support and she has no Estate of her own which she can apply to their maintenance, unless your Honours immediately relieve her she must solicit charity from the town with the other too numerous objects of it, but she humbly prays your Honours to release from sequestration for the use of her and her children her husband's small Estate so that she may have a right to administer thereon as if no agent had been appointed:

*Resolved*, That the prayer of the petition be granted, and that the said estate be debarred from Sequestration and delivered to Mary Apthorp, that so she may administer thereupon, as if no Agent had been appointed, and the estate enure to the use of the heirs by law intituled to the same. [*Passed March 18.*<sup>1</sup>

## CHAPTER 820.

RESOLVE CANCELLING THE BOND OF JOHN BLACK OF BARRE AND PERMITTING HIM TO GO AT LARGE AND ENJOY EQUAL LIBERTY WITH HIS FELLOW CITIZENS.

THE PETITION of John Black of Barre in the County of Worcester, humbly sheweth, that in the House of Representatives June 7th, 1777, on the Petition of the said John Black a prisoner in Worcester Gaol, praying that he may be liberated from said Gaol for reasons mentioned in said Petition: *Resolved*, That the prayer of the said Petition be granted, provided the said John Black do give a bond with sureties to [Henry Gardner, Esq.,]<sup>2</sup> the Treasurer of this State in the sum of Two Thousand Pounds that he goes not off his Farm, Sabbath-days excepted, during the present War with Great Britain. All which, to this day, and further performances as mentioned in the aforesaid Resolve your Petitioner thinketh he hath done and kept, but would rather submit for information to the Honorable Gentleman who represents the town of Barre in this Great and General Court. Your Petitioner feels and begs leave to repeat his gratefull acknowledgements for the favours said Honourable Court were pleased to grant him, your Petitioner begs leave to request of this Honourable Court that they would be pleased to remove his bond for reasons too many to trouble this Honourable Court with a detail of, but in particular that he stands as a Guardian for certain heirs and cannot settle with the Judge on their account as he is not at liberty, and further your Petitioner begs leave to inform this Honourable Court that his confined situation renders him almost incapable of supporting his Family, particular on account of his rates being so heavy as in only one demand to amount to one Hundred and ninty-five Pounds. He would be sorry to trouble this Honourable Court with a complaint of his proportion were it not that all Men have the advantage of him by reason of the fluctuating times, annexed to his confinement. Your Petitioner begs leave to assert that he still retains as warm an affection for his Country and ardently wishes for her peace and felicity as any person in the United States of America, tho your Petitioner may have been imprudent yet he solemnly declares he

Legislative  
Records of the  
Council,  
xl., 287.  
Mass.  
Archives,  
ccxxvi., 235.  
Mass.  
Resolves,  
March Session,  
chap. 31.

Mass.  
Archives,  
ccxxvi., 233.  
Province  
Laws, xx., 17,  
chap. 25.

<sup>1</sup> This date is March 17 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>2</sup> Province Laws, xix., 13, chap. 9.



never had a design enemical to this or any of the United States of America and he humbly hopes that this Honourable Court take his misfortunes and the sufferings of his numerous Family into their humane consideration and permit him to enjoy liberty with his fellow-men.

The Committee upon the above Petition ask leave to report the following Resolve which is submitted.

MOSES GILL per Order

*Resolved*, That the prayer of said petition be granted, and that the bond referred to in said petition be and hereby is cancelled, and the said John Black is hereby permitted to go at large and enjoy equal liberty with the rest of his fellow citizens: Any thing in the order of the General Assembly of June 7th, 1777, to the contrary notwithstanding.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed March 18.*<sup>1</sup>]

## CHAPTER 821.

Legislative  
Records of the  
Council,  
xl., 287.  
Mass.  
Archives,  
ccxxvi., 245.  
Mass.  
Resolves,  
March Session,  
chap. 28.

RESOLVE GRANTING £160 TO DAVID FOSTER OF PEMBROKE, PENSIONER, AS THE NECESSARIES OF LIFE ARE SO HIGH.

ON THE PETITION of David Foster of Pembroke who was badly wounded at the taking of Newfoundland in 1762 and granted a pension of £12 in 1763, praying for an allowance as the necessarys of life are so high:

*Resolved*, That there be paid out of the Treasury of this State to David Foster, the sum of one Hundred and sixty Pounds, one moiety thereof to be immediately paid, the other moiety to be paid at the expiration of the term of six months from the date of this Resolve. [*Passed March 18.*<sup>2</sup>]

## CHAPTER 822.

RESOLVE DIRECTING THE COMMITTEE TO SETTLE WITH THE ARMY TO INCLUDE MICHAEL AND ZEBULON TITCOMB, WHO SERVED AS HORSE GUARDS IN THE CONTINENTAL ARMY IN THE SETTLEMENT, AS IF THEY WERE PART OF THIS STATE'S BATTALIONS.

Legislative  
Records of the  
Council,  
xl., 288.  
Mass.  
Archives,  
ccxxvi., 236.  
Mass.  
Resolves,  
March Session,  
chap. 40.

ON THE PETITION of Michael Titcomb and Zebulon Titcomb, setting forth that they served in the Continental Army three years as horse guards, for which reason they were not returned as belonging to this State's battalions; therefore praying they may be entitled to the same allowances and gratuities as other soldiers belonging to this State:

*Resolved*, That the prayer of said petition be granted, and that the Committee appointed to settle with the army, be and they hereby are required to include the said Michael Titcomb and Zebulon Titcomb in their settlement, the same as if they had been returned as part of this State's battalions; any law to the contrary notwithstanding. [*Passed March 18.*]

<sup>1</sup> This date is same in Massachusetts Resolves, but March 17 according to Legislative Records of the Council.

<sup>2</sup> This date is March 17 according to Legislative Records of the Council and Massachusetts Resolves.



## CHAPTER 823.

RESOLVE PERMITTING STEPHEN HOOPER OF NEWBURYPORT TO EXCHANGE AN ESTATE, THE PROPERTY OF HIS LATE WIFE SARAH HOOPER, FOR AN ESTATE OF EQUAL VALUE BELONGING TO SOMERBY MOODY OF SAID TOWN, THE FEE TO REST IN HIS SON.

ON THE PETITION of Stephen Hooper, merchant, of Newbury-Port, praying that he may be authorized to make and execute a good and sufficient deed of a certain Estate, the property of Sarah Hooper his late wife, in exchange for another Estate of equal value belonging to Somerby Moody adjoining upon and leading down to a large and elegant Distillery, which he means in some future time to make his son's, for business reasons and the beauty and regularity it will give to a very considerable Street in said town.

*Resolved*, That the prayer of said petition be granted, and that the said Stephen Hooper be and he hereby is authorized to make and execute a legal and sufficient deed of the estate mentioned in said petition, provided that he receive the other estate mentioned in said petition in exchange therefor; and that the fee of the said other estate shall rest in his son. [*Passed March 18.*]

Legislative  
Records of the  
Council,  
xl., 288.  
Mass.  
Archives,  
ccxvi., 240.  
Mass.  
Resolves,  
March Session,  
chap. 39.  
Mass.  
Archives,  
ccxvi., 241.

## CHAPTER 824.

RESOLVE FOR CONTINUING TWO ACTIONS COMMENCED BY LEMUEL KOLLOCK, ESQ., AGENT, AND ELIJAH DUNBAR FOR HIMSELF AND AS ATTORNEY, WHICH ARE TO BE HEARD AND TRIED AT THE NEXT INFERIOR COURT OF COMMON PLEAS TO BE HELD AT WORCESTER UNTO THE NEXT SITTING OF SAID COURT.

WHEREAS there are two actions commenced by Lemuel Kollock, Esq., as Agent in behalf of this State, and by Elijah Dunbar for himself, and as Attorney for a number of persons, which are to be heard and tried at the next Inferior Court of Common Pleas, to be held at Worcester, in the county of Worcester, on the 29th day of March instant: And whereas by reason of the great difficulty of travelling it will be impossible for said Lemuel and Elijah to attend said Court, without great injury to the State and to a number of individuals: Therefore

*Resolved*, That the Justices of the said Court be and they hereby are directed to continue said actions to the next sitting of said Court, and that all persons concerned govern themselves accordingly. [*Passed March 18.*]

Legislative  
Records of the  
Council,  
xl., 289.  
Mass.  
Archives,  
ccxvi., 243.  
Mass.  
Resolves,  
March Session,  
chap. 37.  
*Ante*, p. 288,  
chap. 615.

## CHAPTER 825.

RESOLVE DIRECTING THE TREASURER TO SUSPEND SENDING HIS EXECUTIONS TO THE COLLECTORS OF TAXES UNTIL THE 18TH OF APRIL NEXT.

WHEREAS by a late Resolve of this House past January 13th 1780, [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State was directed to issue his executions on all those Collectors of public taxes who should be deficient in their payment of taxes, that should become due on the 3rd Wednesday of March instant: And whereas it

Legislative  
Records of the  
Council,  
xl., 289.  
Mass.  
Archives,  
ccxvi., 244.  
Mass.  
Resolves,

<sup>1</sup> *Ante*, p. 337, chap. 734.



March Session,  
chap. 32.

*Ante*, p. 365,  
chap. 792.

is represented to this Court that by unavoidable misfortunes the Collectors of public taxes for sundry towns in this State could not gather their several taxes by that time:

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be and hereby is directed to suspend sending his executions to the several Collectors in said State, until the 18th Day of April next, any Resolve of this Court to the contrary notwithstanding. [*Passed March 18.*]

## CHAPTER 826.

RESOLVE EMPOWERING TWO JUSTICES OF THE PEACE OF HAMPSHIRE COUNTY TO LICENSE MARTIN PHELPS OF NORTHAMPTON TO RETAIL SPIRITUOUS LIQUORS UNTIL AUGUST NEXT.

Legislative  
Records of the  
Council,  
xl., 291.  
Mass.

Archives,  
ccxxvi., 231.

Mass.  
Resolves,  
March Session,  
chap. 36.

Mass.  
Archives,  
ccxxvi., 232.

ON THE PETITION of Martin Phelps [of Northampton],<sup>2</sup> praying that two of the Justices of the Peace for the county of Hampshire may be authorized and empowered to licence him to retail spirituous liquors until the Court of General Sessions of the Peace shall be holden in said county in August next:

*Resolved*, That the prayer of the said petition be granted, and that any two Justices of the Peace for the said county of Hampshire, be and they hereby are authorized and empowered to licence the said Martin Phelps to retail spirituous liquors until the time mentioned in the said petition, in the same manner, and under the same restrictions as though he had been licensed by the Court of General Sessions of the Peace for the said county of Hampshire in August last. [*Passed March 18.*]

## CHAPTER 827.

RESOLVES REMITTING A FINE OF £9,000 TO THE TOWN OF HINGHAM FOR NOT FURNISHING FIFTEEN NINE-MONTHS MEN TO SERVE IN THE CONTINENTAL ARMY IN 1779, BUT DECLARING IT NOT ENTITLED TO THE BOUNTIES GRANTED FOR SAME BECAUSE IT DID NOT BEAR ANY PROPORTION OF THE WASTE OF THE ARMY.

Legislative  
Records of the  
Council,  
xl., 295.  
Mass.

Archives,  
ccxxvi., 247.

Mass.  
Resolves,  
March Session,  
chap. 33.

Mass.  
Archives,  
ccxxvi., 248.  
*Ante*, p. 43,  
chap. 75.

WHEREAS the town of Hingham was fined the sum of Nine Thousand Pounds for not furnishing fifteen men to serve in the Continental army for the term of nine months in the year 1779, agreeable to a Resolve of the General Court: And whereas it is now made to appear that the town did in the year 1778 furnish fifteen men to serve in the Continental Army for three years, which are not reckoned as any part of their quota of the seventh part: Therefore

*Resolved*, That the fine of Nine Thousand Pounds, laid upon the town of Hingham in the last tax act, be remitted. And it is further

*Resolved*, That as the town of Hingham did not in the year 1779 bear any proportion of the waste of the army, that said town is not intitled to the bounties granted to the nine months men in the year 1779. [*Passed March 18.*]

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> Massachusetts Archives, ccxxvi., 232.



## CHAPTER 828.

RESOLVE DIRECTING THE NAVAL OFFICER OF THE PORT OF BOSTON TO ENTER THE SNOW HOPE FROM GREAT BRITAIN, COMMANDED BY THOMAS HOLLAND, WITH PASSPORT OF BENJAMIN FRANKLIN, ESQ., MINISTER PLENIPOTENTIARY AT THE COURT OF VERSAILLES, HER CARGO TO BE DISPOSED OF BY THE OWNERS MESSIEURS CYPRIAN STERRY AND JOHN SMITH, JR.

THE COMMITTEE of both Houses, having enquired into the Facts as represented to the Honorable Board, find them to be True and beg leave to report the following Resolution, which is submitted.

SAM[UE]L ADAMS per Order

Whereas it appears to this Court that the snow Hope, commanded by Thomas Holland, and now arrived in the harbour of Boston from Great-Britain, was originally destined with her cargo to some port in America, and that Benjamin Franklin, Esq., Minister Plenipotentiary of the United States at the court of Versailles, under his hand and Seal at Passey the 24th of September 1779, did grant a passport or letter of protection to the said snow and cargo: Therefore

*Resolved*, That [Nathaniel Barber, Esq.,]<sup>1</sup> the Naval Officer of the port of Boston, be and he is hereby directed to permit the said snow to be entered, and her cargo to be disposed of, without let or hindrance from any person whatever, by Messieurs Cyprian Sterry and John Smith jun. who are mentioned by the said Benjamin Franklin, Esq., to be the owners of the same, and natives of America, and subjects of the United States.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed March 18.*]

Legislative  
Records of the  
Council,  
xl., 296.  
Mass.  
Archives,  
ccxxvi., 238.  
Mass.  
Resolves,  
March Session,  
chap. 35.

## CHAPTER 829.

RESOLVE GRANTING £5,000 TO THE BOARD OF WAR TO ENABLE THEM TO FURNISH WATERMAN THOMAS, COMMISSARY OF TWO COMPANIES OF THE EASTERN PART OF THIS STATE, WITH SMALL STORES, ETC.

ON THE PETITION of Waterman Thomas, Commissary for two companies of men raised for the defence of the eastern part of this State, praying for an allowance of small stores, &c. as mentioned in said petition:

*Resolved*, That the prayer thereof be granted, and that [Henry Gardner, Esq.,]<sup>2</sup> the Treasurer of this State be and he hereby is directed to pay to the Board of War the sum of Five Thousand Pounds, to enable them to furnish the said Commissary with the articles mentioned in said petition; and also to transport said stores to the place of destination. [*Passed March 18.*]

Legislative  
Records of the  
Council,  
xl., 297.  
Mass.  
Archives,  
ccxxvi., 249.  
Mass.  
Resolves,  
March Session,  
chap. 30.

Mass.  
Archives,  
ccxxvi., 250.

<sup>1</sup> *Ante*, p. 333, chap. 716.

<sup>2</sup> *Ante*, p. 337, chap. 374.



## CHAPTER 830.

## RESOLVE ALLOWING COL. HATCH OF THE BOSTON REGIMENT TO RESIGN.

Mass.  
Archives,  
ccxxvi., 251.

WHEREAS Jabez Hatch, Esq., Colonel of the Boston Regiment of Militia in the County of Suffolk has asked leave to resign his Commission on account of his own private affairs:

Mass.  
Archives,  
ccxxvi., 251.

*Resolved*, That Col. Jabez Hatch have and he hereby has liberty to resign his Commission accordingly. [*Passed March 18.*]

## CHAPTER 831.

RESOLVES REPEALING THOSE OF JANUARY 12<sup>TH</sup> FOR RECRUITING MEN FOR THE CONTINENTAL ARMY; PROVIDING \$600,000 TO PAY BOUNTIES OF \$300 EACH, AN OATH TO PREVENT BOUNTY JUMPING, THAT RECORDS BE MADE BY THE SECRETARY AND THE MEN RECRUITED BE SENT TO THE CASTLE UNTIL FURTHER ORDER.

Legislative  
Records of the  
Council,  
xl., 278.  
Mass.  
Archives,  
ccxxvi., 260.  
Mass.  
Resolves,  
March Session,  
chap. 9.

*Resolved*, That the Resolution of the General Assembly of the 12th of January last, directing [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State to pay, out of the money appropriated for this State's quota of the Continental tax to recruiting officers, such sums of money as the Council from time to time shall order, and the Resolution of the same date requesting the Council to order the men inlisted to be sent to the Castle; and also the Resolution directing the Secretary to record the names of the men, &c. inlisted into the army, be and they hereby are repealed and declared null and void.

Mass.  
Archives,  
ccxxvi., 258.  
*Ante*, p. 350,  
chap. 761.

*Resolved*, That the Treasurer of this State be and he hereby is directed to pay out of the public Treasury to the Muster-Masters in the several Counties in this State, to enable them to pay the bounty of Three Hundred Dollars given by this State to each person who shall inlist into the Continental army as this State's quota, such sums of money as the Council from time to time shall order, not exceeding in the whole the sum of Six Hundred Thousand Dollars; the said Muster-Masters to be accountable for the expenditure of all such monies as they shall from time to time receive, and shall return into the Secretary's office (once a month at least) a list of all such non-commissioned officers and soldiers as shall inlist during the war into the Continental army, as part of this State's quota, with a description of their persons, their age, place of abode, time when they were mustered, company and regiment they belong to, and name of the officer that presented them.

And whereas great injury hath accrued to this State by soldiers inlisting and mustering repeatedly into the same service and receiving several bounties: For remedy whereof

*Resolved*, That the Muster-Masters in the several Counties of this State be and they hereby are directed and impowered to require of each soldier that appears to be mustered (previous to his being mustered) the following oath, which he is likewise hereby impowered to administer, viz.

You A, B, solemnly swear that you have not received of any person whatever the bounty given by this State to all non-commissioned officers and private soldiers who shall inlist into the

<sup>1</sup> *Ante*, p. 337, chap. 734.



Continental army during the war, as part of this State's quota, nor been mustered into the service into which you now offer yourself to be mustered. So help you God.

And whereas great inconveniences have arisen by reason of not keeping proper records of the men inlisted: Therefore

*Resolved*, That the Secretary be and he hereby is directed to record the names of the men so inlisted, the towns to which they belong, their ages and descriptions of their persons, and the time when and by whom inlisted.

And whereas great damage has arisen by not properly securing soldiers after their inlistment: Therefore

*Resolved*, That the Council be and they hereby are requested to order the men so inlisted to be sent to the Castle, upon a representation of the officers who inlisted them that there is occasion therefor, there to remain and do duty under the command of [Hon. John Hancock, Esq.,]<sup>1</sup> the Captain of the Castle, till further order. [*Passed March 21.*<sup>2</sup>]

## CHAPTER 832.

RESOLVES EMPOWERING THE COUNCIL TO APPOINT A COURT MARTIAL TO TRY THE CONDUCT OF LIEUT. COL. REVERE IN THE PENOBSCOT EXPEDITION, ON HIS REQUEST, AND MAKING PROVISION FOR THE SAME.

WHEREAS Lieut-Col. Paul Revere of the Train belonging to this State has petitioned the General Court that a Court Martial might be called to try his Conduct while serving in the late Expedition to Penobscot: Therefore

*Resolved*, That the Council of this State be and hereby are empowered and requested to appoint a Court Martial to consist of such Militia Officers, as they may think proper, for the tryal of Lieut. Col. Paul Revere touching his behaviour, as is particularly set forth in the Report of a Committee of the General Court appointed to examine into the conduct of the Officers of the Train employed on the Expedition to Penobscot. And it is further

*Resolved*, That the Council of this State be and hereby are empowered and requested to examine, and allow the reasonable accounts of the several Members that may be appointed on the aforesaid Court Martial for their expences while sitting, and give Warrants on the [Henry Gardner, Esq.,]<sup>3</sup> Treasurer of this State for the Payment of the same. [*Passed March 21.*<sup>4</sup>]

Legislative  
Records of the  
Council,  
xl., 288.  
Mass.  
Archives,  
ccxxvi., 252.

*Ante*, p. 322,  
chap. 694.

## CHAPTER 833.

RESOLVE APPOINTING A COMMITTEE TO REPAIR TO THE TOWNS OF WESTFIELD, SOUTHAMPTON, NORWICH AND MURRAYFIELD, VIEW THE PREMISES AND REPORT AT THE NEXT SESSION.

In the House of Representatives

On the Petition of divers inhabitants of the several towns, viz. Westfield, Southampton and Norwich, praying that they may be incorporated into a separate town; and also the petition of a num-

Legislative  
Records of the  
Council,  
xl., 296.

<sup>1</sup> *Ante*, p. 205, chap. 429.

<sup>2</sup> This date is March 15 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>3</sup> *Ante*, p. 337, chap. 734.

<sup>4</sup> This date is March 18 according to Legislative Records of the Council.



Mass.  
Archives,  
ccxxvi., 263.  
Mass.  
Resolves,  
March Session,  
chap. 34.

Mass.  
Archives,  
ccxxvi., 262-  
264.

ber of inhabitants of the town of Murrayfield, praying that they may be set off from said town of Murrayfield to the town of Norwich, for reasons set forth in their several petitions:

*Resolved*, That the prayer of their said petitions be so far granted that Capt. Elijah Hunt and Mr. Phineas Lyman, with such as the Honorable Board shall join, be a Committee to repair to the towns of Westfield, Southampton, Norwich and Murrayfield, and view the premises mentioned in each petition, hear the parties relating to the same, and make report the 3rd Wednesday of the next May Session of the then General Court what they shall think proper to be done in the premises; said Committee are to give notice to all parties concerned of the time and place of their meeting for the purpose aforesaid; the cost and expence of said Committee to be paid by the petitioners.

In Council

Read and Concurred and Timothy Danielson, Esq., is joined on the part of the Board for the purpose mentioned in this Resolve.

In the House of Representatives

Read and Concurred. [*Passed March 21.*]

## CHAPTER 834.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY THE THREE INDIANS FROM COOS, N. H., NOW IN BOSTON, WITH CLOTHING, AND REQUESTING THE COUNCIL TO GRANT THEM \$100 EACH FOR THEIR BILLETING IN BOSTON AND THEIR EXPENSES BACK TO COOS.

Legislative  
Records of the  
Council,  
xl., 298.  
Mass.  
Archives,  
cxliv., 438.  
Mass.  
Resolves,  
March Session,  
chap. 45.

*Resolved*, That the Board of War be and they hereby are directed to supply each of the three Indians from Coos, [N. H.]<sup>2</sup> now in Boston, with a coat, waistcoat, one pair of overalls, one pair of hose, one pair of shoes, one pair of buckles, two shirts, one silk handkerchief and one hat, and the Honorable Council be and they hereby are requested to grant a warrant on the Treasury for One Hundred Dollars each, to enable them to bear their expences back to Coos; and also for their billeting during their continuance in the town of Boston. [*Passed March 21.*]<sup>3</sup>

## CHAPTER 835.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER CLOTHING TO LIEUT. WILLIAM ALBEE OF MACHIAS ON THE SAME TERMS AS THE OFFICERS OF COL. CRAFTS'S REGIMENT OF ARTILLERY.

Legislative  
Records of the  
Council,  
xl., 299.  
Mass.  
Archives,  
ccxxvi., 274.  
Mass.  
Resolves,  
March Session,  
chap. 46.

ON THE PETITION of Lieut. William Albe [Albee],<sup>4</sup> praying that he might receive the cloathing which he in justice is entitled to, for reasons set forth in said petition:

*Resolved*, That the prayer of said petition be granted, and that the Board of War be and they hereby are directed to deliver to Lieut. William Albe [Albee]<sup>4</sup> the same quantity of cloathing and on the same terms which the officers in Col. [Thomas]<sup>5</sup> Crafts's regiment of artillery are intitled to receive. [*Passed March 21.*]

<sup>1</sup> This date is March 18 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>2</sup> Haverhill and Lancaster, N. H. — Manual of the General Court of New Hampshire.

<sup>3</sup> This date is same in Massachusetts Resolves, but March 20 according to Legislative Records of the Council.

<sup>4</sup> Massachusetts Archives, ccxxvi., 275.

<sup>5</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, iv., 67.



## CHAPTER 836.

VOTE CHOOSING EDWARD PROCTOR, ESQ., COLONEL OF THE BOSTON REGIMENT.

Legislative  
Records of the  
Council,  
xl., 299.  
Mass.  
Archives,  
ccxxvi., 276.  
Mass.  
Resolves,  
March Session,  
chap. 42.

In the House of Representatives  
The House, by Ballot, made choice of Edward Proctor, Esq.,  
as Colonel of the Boston Regiment.

In Council

Read and Concurred. [*Passed March 21.*]

Ante, p. 382,  
chap. 830.

## CHAPTER 837.

RESOLVES DIRECTING THE BOARD OF WAR TO PROVIDE TWO ARMED VESSELS WITH £100,000 RECEIVED FROM ABSENTEES' ESTATES, THE SALE OF THE BRIGANTINE RISING EMPIRE AND THE ESTATE OF SIR WILLIAM PEPPERRELL, BART., IN BOSTON AND THE AGENT OF THE ESTATE OF SAMUEL WATERHOUSE, ABSENTEE, TO SUSPEND THE LEASING THEREOF AND ALLOW MRS. LOVELL AND FAMILY TO OCCUPY SAME.

WHEREAS it is absolutely necessary to increase the naval force of this State to defend the trade and sea coasts thereof: Therefore

*Resolved*, That the Board of War be and they are hereby directed to procure and fit for sea with all possible dispatch two armed vessels, to carry from twelve to sixteen guns each. And to enable the Board of War to execute said business without delay, so as to have the vessels ready to proceed to sea as early as possible the approaching season: It is further

Legislative  
Records of the  
Council,  
xl., 299.  
Mass.  
Archives,  
ccxxvi., 277.  
Mass.  
Resolves,  
March Session,  
chap. 43.

*Resolved*, That there be paid out of the public Treasury of this State (from the monies arising from the sale of confiscated estates, and the rents of the estates of absentees) to the said Board of War the sum of One Hundred Thousand Pounds, and the Board of War are hereby further directed to sell at public auction (after suitable notice) the brig. Rising-Empire, and appropriate the proceeds thereof towards procuring the two armed vessels aforesaid: And it is also

Mass.  
Archives,  
ccxxxv., 81.  
Ante, p. 212,  
chap. 448.

*Resolved*, That the Committee appointed to sell the confiscated estates in the county of Suffolk, be and they hereby are directed to sell the estate late belonging to Sir William Pepperrell, [Bart.],<sup>1</sup> laying in Boston, which has been confiscated to the use of this State, observing the directions given in a late resolve of this Court for the sale of such estates, the proceeds thereof to be paid out of the Treasury of this State to the Board of War, in addition to the sum already ordered them for the purpose aforesaid: And it is also further

*Resolved*, That the Agent on the estate of Samuel Waterhouse, an absentee, be and he hereby is directed to suspend leasing said estate, and permit Mrs. Lovell and her family to remove into and occupy such part thereof as she may want, until the further order of the General Court. [*Passed March 21.*]

<sup>1</sup> Sabin, Loyalists of the American Revolution.



## CHAPTER 838.

RESOLVE GRANTING £850 TO COL. JOHN BAILEY HAVING BEEN ADVANCED BY HIM AS BOUNTY TO THOSE ENLISTING FOR THE CONTINENTAL ARMY.

Legislative  
Records of the  
Council,  
xl., 300.  
Mass.  
Resolves,  
March Session,  
chap. 44.

ON THE PETITION of Col. John Bailey, praying that the money by him advanced as a bounty, agreeable to a resolve of this State, as an encouragement to such non-commissioned officers and private soldiers as should engage as part of this State's quota of the Continental army, be repaid him:

*Resolved*, That the prayer thereof be so far granted, that [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be and he is hereby directed to pay out of the public Treasury to Col. John Bailey, the sum of Eight Hundred and fifty-five Pounds, being the amount of his account, taking his receipt therefor, he to be accountable for the expenditure of the same. [*Passed March 21.*]

## CHAPTER 839.

VOTE CHOOSING CAPT. OLIVER ROOT SECOND MAJOR OF THE 3D REGIMENT IN BERKSHIRE COUNTY.

Legislative  
Records of the  
Council,  
xl., 300.  
Mass.  
Archives,  
ccxxvii., 279.  
Mass.  
Resolves,  
March Session,  
chap. 41.

In the House of Representatives

The House, by Ballot, made choice of Capt. Oliver Root as Second Major of the 3rd Regiment of Militia in the County of Berkshire.

In Council

Read and Concurred. [*Passed March 21.*]

## CHAPTER 840.

RESOLVE GRANTING £30 EACH TO LIEUT. COL. THOMPSON AND OTHER OFFICERS PRISONERS OF WAR ON PAROLE AT LONG ISLAND, N. Y.

Legislative  
Records of the  
Council,  
xl., 301.  
Mass.  
Archives,  
ccxxvi., 280.  
Mass.  
Resolves,  
March Session,  
chap. 48.

ON THE PETITION of Lieut. Col. [Joseph]<sup>2</sup> Thompson and others, officers belonging to this State, now prisoners of war on parole on Long Island, [New York] praying that they may be supplied with a sum of hard money, as a number of them have been a long time prisoners, and many have been a long time sick, that they are now entirely destitute of money, and stand in need of immediate relief, as set forth in said petition: Therefore

*Resolved*, That the prayer of the petition be so far granted, that [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer be directed to pay out of the public Treasury of this State the sum of thirty Pounds to each of the petitioners in gold or silver, except Capt. Theodore Bliss and Capt. Nathan Goodale, who are now on parole in this State, and that the said money be delivered to Joseph Shurtliff, Esq., he being accountable to the Treasurer for the same. And each officer who shall receive thirty Pounds as aforesaid shall, when his pay is made good, be charged with the same. [*Passed March 22.*]

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> Heitman, *Historical Register of Officers of the Continental Army*, 1914.



## CHAPTER 841.

RESOLVE DISCHARGING SAMUEL OSGOOD, ESQ., COMMISSIONER TO THE CONVENTION AT PHILADELPHIA, OF £2,000, ADVANCED FOR EXPENSES, AND GRANTING HIM £845. 1s. 3d. FOR HIS SERVICES.

THE COMMITTEE appointed to settle with Samuel Osgood, Esq., for money he received to enable him to proceed on a journey to the southward, [to the Convention at Philadelphia]<sup>1</sup> and also to consider an allowance for his services, have attended that service, and find his account,<sup>1</sup> right cast and well vouched, and ask leave to report the following Resolve:

*Resolved*, That Samuel Osgood, Esq., be discharged from the sum of Two Thousand Pounds, he received of [Henry Gardner, Esq.,]<sup>2</sup> the Treasurer of this State for the aforesaid purpose, and that there be paid out of the Treasury of this State to the said Samuel Osgood the sum of Eight Hundred forty-five Pounds one Shilling and three Pence, in full for his services. [*Passed March 22.*]

Legislative  
Records of the  
Council,  
xl., 302.  
Mass.  
Archives,  
ccxxvi., 283.  
Mass.  
Resolves,  
March Session,  
chap. 50.

Mass.  
Archives,  
ccxxvi., 284-286.  
*Ante*, p. 308,  
chap. 660.

## CHAPTER 842.

RESOLVE PERMITTING ISAAC GREENWOOD WHITE TO GO TO NOVA SCOTIA TO RECEIVE THE ESTATE BEQUEATHED HIM BY FRANCIS WHITE, LATE OF HALIFAX, AND TO RETURN WITHIN FOUR MONTHS, ON GIVING BOND OF £3,000 TO CARRY ONLY GOODS AND PROVISIONS NECESSARY TO HIS VOYAGE.

ON THE PETITION of Isaac Greenwood White, praying for leave to repair to Nova-Scotia, in order to recover or take care of an estate bequeathed to him by Francis White, late of Halifax, deceased:

*Resolved*, That the said Isaac Greenwood White be and he is hereby permitted to go to Nova-Scotia to transact the business abovementioned, and to return to this State within the term of four months, in such way as he shall think best, he giving bond in the penal sum of Three Thousand Pounds to [Henry Gardner, Esq.,]<sup>2</sup> the Treasurer of this State, that he will not carry with him goods of any kind or provisions more than necessary for his voyage to Halifax. And all commanders of armed vessels belonging to this State are hereby directed not to molest the said White when returning from Nova-Scotia to this State with the effects he may bring with him belonging to said estate, and all commanders of armed vessels belonging to any of the United States are hereby requested not to interrupt or molest the said White returning from Nova-Scotia into this State aforesaid, provided that this Resolve shall not be any protection to said White for more than once returning from Nova-Scotia aforesaid. [*Passed March 22.*]

Legislative  
Records of the  
Council,  
xl., 303.  
Mass.  
Archives,  
ccxxvi., 287.  
Mass.  
Resolves,  
March Session,  
chap. 49.

Mass.  
Archives,  
ccxxvi., 288.

<sup>1</sup> Massachusetts Archives, ccxxvi., 285, 286.

<sup>2</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 843.

RESOLVE PERMITTING WILLIS HALL TO GO TO HALIFAX, N. S., TO SETTLE THE FAMILY ACCOUNTS OF ANDREW SYMMES, JOHN OSBURN AND SELF WITH BENJAMIN MULBERRY HOLMES AND TO RETURN IN THREE MONTHS ON GIVING BOND OF £3,000 TO CARRY ONLY GOODS AND PROVISIONS NECESSARY TO HIS VOYAGE.

Legislative  
Records of the  
Council,  
xl., 303.  
Mass.  
Archives,  
ccxxvi., 290.  
Mass.  
Resolves,  
March Session,  
chap. 47.

Mass.  
Archives,  
ccxxvi., 291.

ON THE PETITION of Andrew Symmes, John Osburn and Willis Hall, praying that Willis Hall may have liberty to go to Halifax to settle their family accounts with Benjamin Mulbery [Mulberry]<sup>1</sup> Homes [Holmes]<sup>1</sup>:

*Resolved*, That the said Willis Hall be and he hereby is permitted to go to Halifax in Nova-Scotia, for the purposes mentioned in said petition, and to return into this State in three months, in such way as he shall think best, he giving bond in the penal sum of Three Thousand Pounds to [Henry Gardner, Esq.,]<sup>2</sup> the Treasurer of this State that he will not carry with him goods of any kind, or provisions more than necessary for his voyage to Halifax; and all armed vessels in the service of the United States are desired, and commanders of armed vessels in the service of this State are directed not to molest the said Willis Hall in returning from Halifax aforesaid. Provided, that this Resolve shall not be any protection to said Hall for more than once returning from Nova-Scotia aforesaid. [*Passed March 22.*]

## CHAPTER 844.

RESOLVE GRANTING £431. 13s. TO COL. KEMPTON FOR SUPPLYING AND TAKING CARE OF A NUMBER OF SICK AND DISTRESSED AMERICAN PRISONERS LANDED FROM A CARTEL AT BEDFORD IN DARTMOUTH AND DIRECTING THE SECRETARY TO RECORD THE NAMES, THE STATE, CITY OR TOWN TO WHICH THEY BELONG AND THE SUMS OF MONEY PAID FOR THEIR RELIEF.

Legislative  
Records of the  
Council,  
xl., 304.  
Mass.  
Resolves,  
March Session,  
chap. 51.

ON THE PETITION of Col. Thomas Kempton of Dartmouth, in the county of Bristol, praying for the allowance of his account for supplying and taking care of a number of American prisoners which were discharged from on board a cartel and landed at Bedford, in said Dartmouth, in a sick and distressed condition:

*Resolved*, That the prayer of the petition be granted, and that there be allowed and paid out of the public Treasury of this State, to the said Col. Thomas Kempton, the sum of Four Hundred and thirty-one Pounds thirteen Shillings, in full of his account, and the Secretary is hereby directed to make a record of the names of the prisoners referred to, the state, city, or town to which they belong, and the sums of money paid by this State for their relief. [*Passed March 22.*]

<sup>1</sup> Massachusetts Archives, ccxxvi., 291.

<sup>2</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 845.

RESOLVE EMPOWERING THE COUNCIL TO GIVE WARRANTS OF \$300 ON THE TREASURER TO SUCH AS HAVE OR SHALL ENLIST DURING THE WAR IN THIS STATE'S QUOTA OF THE CONTINENTAL ARMY, WHERE PROVISION IS NOT ALREADY MADE.

WHEREAS it is represented to this Court that several persons belonging to this State have inlisted in the Continental Army during the war, and are accounted as part of this State's quota, but not belonging to any of the battalions that receive money for paying the bounty of three hundred dollars, &c. Therefore

*Resolved*, That the Council be and hereby are impowered to give their warrant on [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer for paying the bounty of Three Hundred Dollars to such persons as have or shall inlist during the war, and provision is not already made for the payment thereof; provided said men so inlisted are accounted as part of this State's quota of the Continental Army. [*Passed March 22.*]

Legislative  
Records of the  
Council,  
xl., 304.  
Mass.  
Archives,  
ccxxvi., 294.  
Mass.  
Resolves,  
March Session,  
chap. 52.

Mass.  
Archives,  
ccxxvi., 295-  
297.

## CHAPTER 846.

RESOLVES REQUESTING GEN. HEATH TO APPOINT RECRUITING OFFICERS FOR COMPLETING THIS STATE'S QUOTA OF THE CONTINENTAL ARMY, PLACES OF RENDEZVOUS AND GRANTING THEM £30 FOR EACH MAN ENLISTING PROVIDED THEY MAKE RETURN TO THE SECRETARY'S OFFICE OF THE NAMES, PLACES OF RESIDENCE, AGE AND DESCRIPTION OF EACH MAN.

THE COMMITTEE of both Houses to whom was referred the consideration of the letter from Maj. Gen. [William]<sup>2</sup> Heath, have attended that service and report the following Resolves, and ask leave to sit again.

Which is submitted

ARTEMAS WARD per Order

*Resolved*, That Maj. Gen. [William]<sup>2</sup> Heath be and he hereby is desired to appoint such number of recruiting-officers belonging to the line of this State, as he shall judge necessary to compleat this State's quota of the Continental Army by the 20th day of May next, and return their names to the Council of said State, and appoint such places for the recruits to rendezvous at as he shall think proper.

*Resolved*, That each recruiting-officer who shall be appointed by Maj. Gen. [William]<sup>2</sup> Heath to recruit men for this State's quota of the Continental Army, during the war, shall be intitled to receive out of the Treasury of this State, the sum of thirty Pounds for each and every able-bodied effective man he shall inlist from and after the 25th day of March instant, belonging to this State, as part of the quota of the same, and cause to be mustered by some Muster-Master appointed by the General Assembly of this State to muster men for the Continental Army, and return a certificate into the Secretary's office, under the hand of the Muster-Master who shall muster such recruit, containing the name of such recruit, the town to which he belongs, his age, description of his person and the time when and by whom inlisted. And the major part of the Council are requested to draw warrants on [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State in favour of such

Legislative  
Records of the  
Council,  
xl., 301.  
Mass.  
Archives,  
ccxxvi., 298.  
Mass.  
Resolves,  
March Session,  
chap. 54.

Mass.  
Archives,  
ccxxvi., 299,  
300.

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vii., 684.



recruiting-officer, for such sum or sums of money as may appear to be justly due to him in consequence of his recruiting men in pursuance of this resolve.

In the House of Representatives

Read and Accepted

In Council

Read and Concurred. [*Passed March 23.*<sup>1</sup>]

## CHAPTER 847.

RESOLVE PERMITTING SARAH BAKER TO RETURN WITH HER CHILD TO HER HUSBAND IN NEW YORK.

Legislative  
Records of the  
Council,  
xl., 304.  
Mass.  
Archives,  
ccxxvi., 293.  
Mass.  
Resolves,  
March Session,  
chap. 58.

UPON THE PETITION of Sarah Baker, praying that she may have leave with her child to return to New-York to her husband:

*Resolved*, That the prayer of this petition be granted, and that Sarah Baker be and hereby is permitted to depart this State, and return to New-York to her husband, carrying her child with her, and not to return to this State again without special leave of the General Assembly of the State aforesaid. [*Passed March 23.*<sup>1</sup>]

## CHAPTER 848.

RESOLVE GRANTING £318. 14s. TO CAPT. JOB CROCKER FOR SUPPLYING HIS COMPANY WITH PROVISIONS FOR SIXTEEN DAYS IN BARNSTABLE COUNTY.

Legislative  
Records of the  
Council,  
xl., 306.  
Mass.  
Resolves,  
March Session,  
chap. 59.

*Resolved*, That there be paid out of the public Treasury of this State to Capt. Job Crocker, the sum of Three Hundred and eighteen Pounds fourteen Shillings, in full for his supplying his company with provisions sixteen days in the county of Barnstable, being engaged in this State's service in September 1778, as mentioned in his account. [*Passed March 23.*]

## CHAPTER 849.

RESOLVE REMITTING A FINE OF £1,200 LAID ON THE TOWN OF NEW BRAINTREE FOR FAILING TO PROCURE TWO MEN FOR THE CONTINENTAL ARMY IN 1779.

Legislative  
Records of the  
Council,  
xl., 306.  
Mass.  
Archives,  
ccxxvi., 303.  
Mass.  
Resolves,  
March Session,  
chap. 62.

ON THE PETITION of the Selectmen of the town of New-Braintree.

*Resolved*, That the fine of Twelve Hundred Pounds, a fine laid on said town for not procuring two men to serve in the Continental Army for nine months be remitted, for reasons set forth in said petition, and [Henry Gardner, Esq.,]<sup>2</sup> the Treasurer of this State is hereby authorized and directed to give a receipt to the Constable for said town for said sum, as part of a tax assessed them in the last tax laid on said town. [*Passed March 23.*]

Mass.  
Archives,  
ccxxvi., 304.  
*Note*, p. 44,  
chap. 75.

[The substance of the petition follows:]

Whereas orders were issued from the Honourable Assembly of this State on the 1st day of May 1779, for drafting men to fill up the Continental Battalions, and in said draft the quota of this town was five men, (and whereas prior to said orders for drafting

<sup>1</sup> This date is same in Massachusetts Resolves, but March 22 according to Legislative Records of the Council.

<sup>2</sup> *Note*, p. 337, chap. 734.



two men, viz. Ebenezer Parkman and Thomas Parkman did voluntarily inlist into the Continental Service from this town and were accordingly returned to the Commanding-Officer of the Brigades) which we had no doubt exempted this town from drafting more than three men to make up our said quota of five men, and as said Ebenezer and Thomas Parkman still continue in the Continental Service for this town your petitioners humbly conceive there cannot be the least obstruction to the remitting said fine of £1,200.

## CHAPTER 850.

RESOLVE GRANTING \$2,460 TO MAJ. JOSEPH PETTENGILL OF THE 9TH MASSACHUSETTS REGIMENT FOR BOUNTIES ADVANCED PERSONS ENLISTING FOR THE CONTINENTAL ARMY.

UPON the APPLICATION of Joseph Pettengill, Major of the 9th Massachusetts Regiment, for Two Thousand four Hundred and sixty Dollars, which he has expended in paying the bounty of Three Hundred Dollars, to persons that have inlisted during the war, and are a part of this State's quota, &c. Therefore

*Resolved*, That there be paid out of the Treasury of this State Two Thousand four Hundred and sixty Dollars to said Joseph Pettengill, in full of what he has advanced in behalf of this State. [Passed March 23.]

Legislative  
Records of the  
Council,  
xl., 307.  
Mass.  
Archives,  
cxxxvi., 305.  
Mass.  
Resolves,  
March Session,  
chap. 67.  
Mass.  
Archives,  
cxxxvi., 306.

## CHAPTER 851.

RESOLVE EMPOWERING THE COUNCIL TO RECEIVE A CERTIFICATE FROM THE COMMITTEE FOR SETTLING WITH THE ARMY AS SUFFICIENT EVIDENCE OF OFFICERS AND SOLDIERS BELONGING TO THIS STATE'S QUOTA OF THE CONTINENTAL ARMY.

*Resolved*, That the Honorable Council be and they hereby are impowered and requested to receive a certificate from the Committee of this Court for settling with the army, as sufficient evidence in favour of any officers, non-commissioned officers and soldiers, as to their belonging to this State's quota of the Continental Army, as well as the company, regiment or corps to which they belong, also the term for which they have inlisted, and the service they have performed; any law to the contrary notwithstanding. [Passed March 23.]

Legislative  
Records of the  
Council,  
xl., 307.  
Mass.  
Archives,  
cxxxvi., 308.  
Mass.  
Resolves,  
March Session,  
chap. 60.

## CHAPTER 852.

RESOLVE EMPOWERING RICHARD CRANCH, ESQ., AGENT ON THE ESTATE OF JOHN BORLAND, ABSENTEE, TO LEASE A FARM IN DUDLEY AT PRIVATE SALE.

WHEREAS it has been represented to this Court, that it will be more for the interest of the State to have the farm late belonging to Mr. [John]<sup>1</sup> Borland, an absentee, lying in the town of Dudley, in the county of Worcester, let at private sale than at public auction: Therefore

*Resolved*, That Richard Cranch, Esq., Agent on said Borland's estate, be and he hereby is impowered and directed to lease said farm at private sale, any law or resolve of this State to the contrary notwithstanding. [Passed March 23.]

Legislative  
Records of the  
Council,  
xl., 307.  
Mass.  
Archives,  
cxxxvi., 309.  
Mass.  
Resolves,  
March Session,  
chap. 63.

<sup>1</sup> *Ante*, p. 208, chap. 437.



## CHAPTER 853.

RESOLVE PERMITTING ROBERT TODD, OF THE BRITISH TROOPS OF THE CONVENTION, TO RESIDE IN LEICESTER UNTIL FURTHER ORDER OF THIS COURT OR THE CONGRESS OF THE UNITED STATES.

Legislative  
Records of the  
Council,  
xl., 308.  
Mass.  
Archives,  
ccxxvi., 310.  
Mass.  
Resolves,  
March Session,  
chap. 57.

ON THE PETITION of Robert Todd, a British soldier of the troops of the convention of Saratoga, representing that he has voluntarily left that corps with an ardent desire to reside in the States, that he has taken the oath of allegiance and fidelity to the United States, that he has paid public taxes, and has produced a certificate from the Selectmen of Leicester, where he resides, that he appears to be a good member of society and attached to the welfare of this State:

Mass.  
Archives,  
ccxxvi., 311.

*Resolved*, That the prayer of the petition be so far granted that the said Robert Todd be permitted to reside in this State, and in the Town of Leicester, until further order of the General Court or of the Congress of the United States. [*Passed March 23.*]

## CHAPTER 854.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER RICHARD FLAGG THE NUMBER OF FIREARMS SET TO THE TOWN OF HOLDEN IN 1778, ON PAYMENT OF £18 EACH FOR THE SAME.

Legislative  
Records of the  
Council,  
xl., 308.  
Mass.  
Archives,  
ccxxvi., 312.  
Mass.  
Resolves,  
March Session,  
chap. 56.

ON THE PETITION of Richard Flagg and others, Selectmen of Holden, praying that the said town of Holden may be allowed the number of fire-arms set against said town, agreeable to a Resolve of the General Court 1778, for reasons set forth in said petition:

Mass.  
Archives,  
ccxxvi., 313.  
Province  
Laws, xx., 83,  
chap. 205.

*Resolved*, That the prayer of said petition be granted, and the Board of War be and they are hereby impowered and directed to deliver to Richard Flagg or his order, the number of fire-arms set to the town of Holden, he paying the sum of eighteen Pounds each for the same. [*Passed March 23.*]

## CHAPTER 855.

RESOLVE PERMITTING HON. SAMUEL ADAMS, ESQ., SECRETARY OF STATE, TO CONTINUE TO OCCUPY THE HOUSE BELONGING TO ROBERT HALLOWELL, ESQ., ABSENTEE, AT SUCH RENT AS THE GENERAL ASSEMBLY SHALL HEREAFTER ORDER.

Legislative  
Records of the  
Council,  
xl., 308.  
Mass.  
Archives,  
ccxxvi., 314.  
Mass.  
Resolves,  
March Session,  
chap. 64.

*Resolved*, That the Hon. Samuel Adams, Esq., Secretary of this State, be permitted to continue to occupy the house, where he now dwells, belonging to Robert Hallowell, Esq., an absentee, for one year, from and after the 1st day of April next; he to allow such rent for the same as the General Assembly shall hereafter order, and the Agent of said Hallowell's estate is hereby directed to conform himself accordingly, any law or resolve to the contrary notwithstanding. [*Passed March 23.*]



## CHAPTER 856.

RESOLVES GRANTING £1,000 ADDITIONAL TO EACH OF THE JUSTICES OF THE SUPERIOR COURT FOR 1779, £4,000 EACH FOR THE NEXT HALF YEAR'S SERVICES AND £5,200 TO THE HEIRS OF THE LATE HON. JEDEDIAH FOSTER, ESQ., FOR HIS SERVICES WHILE ONE OF THE SAME.

WHEREAS three of the Justices of the Superior Court of Judicature, Court of Assize and General Gaol Delivery, by their letter of the 16th of this instant March, directed to the Honorable the President of the Council of this State, signifying to him, that from the inadequateness of the grants made them for their services, they found it absolutely necessary to turn their application to some other business, and that after the 15th day of July next, desired the major part of the Honorable Council to receive the aforesaid letter as their entire resignation of all the powers and authorities granted to them as Justices of the said Court, which said letter, being laid before the House by the Honorable the Council, with their address accompanying the same:

*Resolved*, That there be granted and paid to the Hon. William Cushing, Esq., Nathaniel Peasly [Peaslee]<sup>1</sup> Sergeant, Esq., David Sewall, Esq., and James Sullivan, Esq., over and above the grants already made them, the sum of One Thousand Pounds each, in full for their services for the year 1779. Also

*Resolved*, That each of the said Justices have Four Thousand Pounds each in full for the next half year's service, commencing the 1st day of January last, the one half to be paid in three months, and the other half at the expiration of the term of six months. And it is hereby further

*Resolved*, That there be paid out of the public Treasury to the executors or administrators of the late Hon. Jedediah Foster, Esq., for and to the use of said Foster's heirs, the sum of Five Thousand two Hundred Pounds, in full for his services while one of the Justices of said Court, being agreeable to the proportion of the sums granted the other Justices for like services. [*Passed March 23.*]

[The letters of the Judges and the President of the Council follow:]

HON SIR

The grants made us for the year 1779 sound large, yet when examined have but little substance. Taking a suitable proportion of cloathing provisions & West India goods, no larger quantity can be purchased with £7,000 than five years since might have been purchased with £100 lawful Money. Every person that Journeys any distance from home, at his own expence, will be sensible it would take near £40 of that sum to pay our travelling charges, so that for our Cloaths, finding Horses & supporting our Families, we are really paid but £60 a year. We should be glad if our private fortunes were such that we could afford to serve the govern<sup>mt</sup> for that sum, in these difficult times, but we find it absolutely necessary to turn our application to some other Business to support our familys, & nothing induces us to continue any longer in the office, we have been hon<sup>d</sup> with, but the difficultys our immediate resignation would throw the government into at a time when it is necessary to raise a new army & to levy large Taxes, therefore we have concluded to perform the duties of the office to the best of our abilities for the space of six months from the first day of January, or til the end of the Eastern Circuit, which will be by the 15<sup>th</sup> day of July next, at the expiration of which time we desire the major part of the Hon<sup>d</sup> Council to receive this as our entire resignation of all the powers & authorities granted to us as Justices of the Sup Court of Judicature Court of assize and general Goal delivery We further beg leave to assure the hon Council that we should not have adopted this measure, had our Grants have been equal in Value to one half what was given to the former Justices for several years before the Revolution

We are Your Honours most

Respectful humble Servants

NATH<sup>LL</sup> PEASLEE SERGEANT

DAVID SEWALL

JAMES SULLIVAN

BOSTON 16 March 1780

Hon<sup>d</sup> JEREMIAH POWELL Esq<sup>r</sup> President of the Council

Massachusetts Archives, ccxxvi., 317.

<sup>1</sup> Massachusetts Archives, ccxxvi., 317.

Legislative  
Records of the  
Council,  
xl., 309.  
Mass.  
Archives,  
ccxxvi., 315,  
316. Mass.  
Resolves,  
March Session,  
chap. 55.  
Mass.  
Archives,  
ccxxvi., 317–  
319.  
Ante, p. 369,  
chap. 802.



## STATE OF MASSACHUSETTS BAY

COUNCIL CHAMBER, March 15<sup>th</sup> 1780*Gentlemen of the House of Representatives*

Three of the Justices of the Superiour Court have by a Letter which the Secretary is directed to lay before you, signified to the Major Part of this Board, their intention to resign their Offices on the 15<sup>th</sup> of July next, when their Eastern Circuit will be completed. Their motive appears to be grounded, upon Considerations which may be proper for your Attention. The honor and well being of the State in a great measure depend upon an Allowance being made to the Justices of that Court adequate to their important services, & the Dignity of their Station. It is with you Gentlemen to determine whether the sums already granted to them, are sufficient.

In the Name &amp; behalf of the Council.

JER: POWELL *Presidt*

Massachusetts Archives, ccxxvi., 319.

## CHAPTER 857.

RESOLVE REFERRING UNTIL THE NEXT SESSION THE CASE OF ALEXANDER EDWARDS AGAINST DANIEL ADAMS, WHO IS AT SEA.

Legislative  
Records of the  
Council,  
xl., 306.  
Mass.  
Archives,  
ccxxvi., 330.

Mass.  
Archives,  
ccxxvi., 329-  
334. Province  
Laws, xx., 719,  
chap. 772.

ON THE PETITION of Sarah Adams praying that the consideration of a petition of Alexander Edwards, preferred to this Court in the last session, relating to an Action brought against her husband Daniel Adams, at the Inferior Court of Common Pleas held at Boston in October 1774, by the said Edwards, may be postponed [as her husband is at Sea]:<sup>1</sup>

*Resolved*, That the prayer of the petition of the said Sarah Adams be granted; and that the consideration of the said petition of Alexander Edwards be referred 'till the 2nd Wednesday of the next May Session of the General Assembly. And that the said Sarah Adams serve the said Edwards with an attested copy of this Order at least fourteen Days next preceeding the 2nd Wednesday of the said May session. [*Passed March 24.*]<sup>2</sup>

## CHAPTER 858.

RESOLVE STAYING THE EXECUTION OF JOB HOWLAND AGAINST SAMUEL VERNON, 3d, AND ALLOWING SAID VERNON TO RE-ENTER THE ACTION AT THE NEXT INFERIOR COURT IN BRISTOL COUNTY.

Legislative  
Records of the  
Council,  
xl., 310.  
Mass.  
Archives,  
ccxxvi., 323.  
Mass.  
Resolves,  
March Session,  
chap. 65.

Mass.  
Archives,  
ccxxvi., 324-  
328.

THE COMMITTEE of both Houses on the petition of Samuel Vernon, tertius, praying that the judgment given against him at the last Inferior Court in and for the county of Bristol, in favour of Job Howland of Taunton, in said county, may be stayed, and he be allowed a re-hearing of the case:

*Resolved*, That the prayer of the petition be so far granted, that execution on said action be stayed, and that the petitioner be allowed to re-enter said action at the Inferior Court next to be holden in and for the said county of Bristol.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed March 24.*]<sup>1</sup> Massachusetts Archives, ccxxvi., 334.<sup>2</sup> This date is March 23 according to Legislative Records of the Council.



## CHAPTER 859.

RESOLVE DIRECTING THE MANAGERS OF THE STATE LOTTERY TO PAY ALL UNCLAIMED PRIZES INTO THE TREASURY, THEY BEING DEEMED AS GENEROUSLY GIVEN TO THE STATE.

WHEREAS it is represented to this Court that the Managers of this State's lottery have a number of prizes drawn in the 1st class of said lottery which have not been demanded, and the time for the payment of which (according to said managers publication) is expired: Therefore

*Resolved*, That the Managers aforesaid, be and they hereby are directed to pay into the public Treasury of this State all prizes drawn in the 1st class of said lottery, which have not been demanded, taking two receipts for the notes and money so paid, which [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer is hereby directed to give, specifying the number and value of each one of which receipts to be lodged in the Secretary's-office; and the said Managers are hereby directed to proceed in like manner with any prizes of the other three classes, when the time shall expire for the payment thereof, such prizes being deemed as generously given to the State. [*Passed March 24.*]

Legislative  
Records of the  
Council,  
xl., 310.  
Mass.  
Archives,  
ccxxvii., 321.  
Mass.  
Resolves,  
March Session,  
chap. 67.

*Ante*, p. 273,  
chap. 582.

## CHAPTER 860.

RESOLVE PREVENTING ANY PROSECUTIONS OF OFFICERS WHO IMPRESSED HORSES ON THE LATE ALARM AT FALMOUTH, BARNSTABLE COUNTY, PROVIDED THEY WERE RETURNED IN PROPER SEASON, WITHOUT ANY GREAT DAMAGE.

WHEREAS it appears to this Court, that during the late alarms in the County of Barnstable, while they were invested at Falmouth, in said County, with the enemy's fleet and threatened with devastation, it was thought necessary by the Commanding-Officer, who accordingly issued orders to his officers to impress horses, in order to expedite the march of the militia to that town, in consequence of the execution of which orders, divers persons who had their horses impressed have threatened the officers with prosecution, for taking their horses as aforesaid; which, unless prevented, may prove vexatious and chargeable to the officers, and very discouraging to the militia in future: It is therefore

*Resolved*, That no person or persons whose horses were impressed or taken as aforesaid by any officer or his orders, as aforesaid, in time of the late alarms in said county, shall be allowed to bring forward any action or prosecution against any such officer for impressing his horse or horses as aforesaid, or to recover any damage or costs therefor in any court of record, provided the horses were taken for the service on the alarm, and were returned to the owners again in proper season, without any great damage, and in case any such action or prosecution should be brought against any such officers, this Resolve may be plead in perpetual bar to the same; any law to the contrary notwithstanding: Provided, this Resolve shall not be construed to justify any militia officers in future for impressing horses in an illegal manner. [*Passed March 24.*]

Legislative  
Records of the  
Council,  
xl., 311.  
Mass.  
Archives,  
ccxxvi., 320.  
Mass.  
Resolves,  
March Session,  
chap. 66.

<sup>1</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 861.

## VOTE RECOMMENDING THE INCORPORATION OF COX HALL.

Mass.  
Archives,  
ccxxii., 492.

Mass.  
Archives,  
ccxxii., 491.  
*Ante*, p. 131,  
chap. 259.  
Province  
Laws, v., 1177,  
chap. 39.

THE COMMITTEE of both Houses appointed by the General Court to repair to Sanford and Coxhall to view the same and to say in what manner Coxhall ought to be incorporated, and whether any of the land incorporated within the bounds of Sanford ought to be incorporated with Coxhall have notified the parties, attended the service, viewed the premises, heard the parties and ask leave to report, that Coxhall be incorporated by the following Bounds: viz. Begining on the Western side of Mousom River at a pitch Pine stump on the edge of the bank of said River and on the head line of Wells, and to run from thence North Easterly on the head line of Wells and Arundell six Miles, until it comes within four Miles of Saco River, to an Oak Island so called; thence from said Arundell line, on a line, on a North-Westerly course continuing at the distance of four Miles from said Saco River and parallel thereto, back into the Country six Miles and one Hundred and twenty Rods; and from thence to a Hemlock tree marked on four sides, about forty Rods to the Northward of a pond called Swan Pond; from thence across said Pond, excluding about two thirds thereof, on a Southwest course until it comes to the line on the North East side of the Town of Sanford; and from thence South Easterly on a strate line to the Bounds on the head of Wells began at; which Bounds will include about Five Thousand Acres of land which is included in the Eight Mile Square, incorporated in a Town by the Name of Sanford.

all which is Submitted

EDWARD CUTTS per Order

N. B. The Committee to be paid as the General Court shall order.

In Council

Read and Accepted.

In the House of Representatives

Read and Concurred. [*Passed March 24.*<sup>1</sup>]

## CHAPTER 862

RESOLVE DIRECTING THE BOARD OF WAR TO FURNISH CAPT. JOHN FOSTER WILLIAMS OF THE PROTECTOR WITH CLOTHING FOR HIS SEAMEN AS ARE DESTITUTE AT CURRENT PRICES, TO BE STOPPED OUT OF THEIR WAGES OR PRIZE-MONEY; TWELVE WATCHCOATS FOR THE SHIP; COMPLETE HER STORES FOR A FIVE MONTHS' CRUISE, AND CAPT. WILLIAMS TO CRUISE IN THE BAY FOR FOURTEEN DAYS AND TO EXECUTE WITH ALL POSSIBLE DISPATCH SUCH ORDERS AS HE SHALL RECEIVE FROM THE COMMITTEE.

Legislative  
Records of the  
Council,  
xl., 314.  
Mass.  
Archives,  
ccxxvi., 344.  
Mass.  
Resolves,  
March Session,  
chap. 13.

Mass.  
Archives,  
cxli., 185;  
ccxxvi., 343.  
*Ante*, p. 370,  
chap. 804.

*Resolved*, That the Board of War be and hereby are directed to furnish Capt. [John Foster]<sup>2</sup> Williams, of the Protector, with one Hundred shirts, one Hundred pair of stockings, one Hundred pair of shoes, one Hundred frocks, one Hundred pair of trowsers, and thirty blankets, to be by them purchased or delivered from any public cloathing now in their possession, to be by said Williams delivered to such of his seamen as are destitute of such cloathing and are unable to procure another way a sufficiency to enable them to do their duty; said articles to be delivered at such prices as the

<sup>1</sup> Consented to by only ten of the Council.

<sup>2</sup> *Ante*, p. 221, chap. 468.



Board of War shall estimate to be now the current price, and to be stopped out of the wages or prize money of such seamen as take them; and also to deliver Capt. Williams, for the use of the ship, twelve watchcoats, Capt. Williams to be accountable for the said articles; and to order Capt. Williams to sail immediately and cruize for fourteen days on the Eastern Shore of this State and in the Bay, and at the expiration of fourteen days to return into Nantasket road: And during the absence of the said Ship the Board of War are directed to provide every thing necessary to compleat her stores for a five months cruize, and direct Capt. Williams to receive and execute with all possible dispatch such orders as he shall receive from a Committee appointed to give orders to the commander of the Protector, &c. [*Passed March 25.*<sup>1</sup>

## CHAPTER 863.

### RESOLVES FOR RAISING 600 MEN IN YORK, LINCOLN AND CUMBERLAND COUNTIES FOR THE DEFENCE OF THE EASTERN PARTS AND MAKING AN ESTABLISHMENT FOR THEM.

WHEREAS it is of the greatest consequence to this and the other United States, to defend the Eastern Parts of this State from the Encroachments and Depredations of an unprovoked but persevering Enemy: Therefore

*Resolved*, That Six Hundred men, non-commissioned officers included, be immediately raised in addition to the two companies already raised from the Counties of York and Lincoln, to serve in the Eastern parts of this State, and to be under the command of Brig. Gen. [Peleg]<sup>2</sup> Wadsworth, excepting such as shall be ordered to Machias, those to be under the command of Col. John Allen [Allan],<sup>3</sup> during their continuance there, for the term of eight months from the time they shall arrive at the place of their destination, unless sooner discharged, in the following manner, viz. That the Brigadier or Commanding Officer of the County of York, detach or cause to be detached from the Brigade under his command, two Hundred and sixty men, to be formed into four companies of sixty-five men each, with proper officers from the line of the militia to command them: That the Brigadier or Commanding Officer of the County of Cumberland, detach or cause to be detached from the Brigade under his command, two Hundred and forty men, to be formed into four companies of sixty men each, with proper officers from the line of the militia to command them: That the Brigadier or Commanding Officer of the County of Lincoln, detach or cause to be detached from the brigade under his command, one Hundred men, to be formed into two companies of fifty men each, with proper officers from the line of the militia to command them. The aforesaid six Hundred men to compose one regiment. The Field Officers, Adjutant, Quarter-Master, Surgeon, and Surgeon's-Mate, to be appointed by the Honorable the Major Part of the Council, from the militia or otherwise.

*Resolved*, That the aforesaid Brigadiers or Commanding Officers of Brigades, shall forthwith make said detachments, or cause them to be made indiscriminately from the train band and alarm list, and all other male persons above the age of sixteen years, excepting Ministers of the Gospel, Grammar School-Masters, Indians,

Legislative  
Records of the  
Council,  
xl., 291.  
Mass.  
Archives,  
ccxxvii., 358.  
Mass.  
Resolves,  
March Session,  
chap. 12.

Mass.  
Archives,  
ccxxvi., 345-  
367.

<sup>1</sup> This date is same in Legislative Records of the Council, but March 15 according to Massachusetts Resolves.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xvi., 381.

<sup>3</sup> Massachusetts Archives, cxliv., 444.



Negroes and Mulattoes, and form the men so detached as aforesaid, and cause them to be mustered before some Muster-Master appointed in the said Counties, and marched without delay by the most convenient rout, those raised in the County of York, to Falmouth; those raised in the Counties of Cumberland and Lincoln, to New-Meadows, excepting one company of forty men, with proper commissioned officers, raised in the County of Cumberland, are hereby directed to rendezvous at Falmouth, with those raised in the County of York, then to be disposed of in the following manner, viz one Hundred for Machias; two Hundred for Camden; three Hundred to remain at Falmouth: But in case a different disposition at any time shall appear to be more for the advantage and security of the inhabitants in that quarter, the Commanding Officer shall give orders for that purpose accordingly. And the Council are hereby requested to issue orders to the Board of War to furnish, without delay, thirty whale-boats, twenty of them to be appropriated for the troops at Camden, and ten for those at Falmouth; also to furnish said troops with such transports, provisions, stores and convoys, as their Honors will judge necessary for the service.

*Resolved*, That the Brigadiers aforesaid make returns to the Honorable the Major Part of the Council, of the men by them respectively raised and actually marched, on or before the 10th day of April next.

*Resolved*, That there be paid out of the public Treasury of this State, to the officers and men who shall perform the service prescribed by these Resolves, the following sums per month, and one ration per day, in full satisfaction therefor, viz. a Lieutenant-Colonel, one Hundred and twenty Pounds; two Majors, ninety Pounds each; Lieutenant and Adjutant, sixty-four Pounds; Lieutenant and Quarter-Master, sixty-four Pounds; Surgeon, seventy Pounds; Surgeon's-Mate, fifty-five Pounds; Captain, seventy Pounds; Lieutenant, fifty-five Pounds; Serjeant, thirty-nine Pounds; Drum, thirty-two Pounds four Shillings; Fife, thirty-two Pounds four Shillings; Corporal, thirty-two Pounds four Shillings; Private, thirty-one Pounds. And that ample encouragement may be given to men cheerfully and speedily to turn out on this Occasion: It is further

*Resolved*, That there be paid out of the Treasury of this State, the sum of thirty Pounds, to each non-commissioned officer and private soldier detached and mustered as aforesaid, being properly armed and equipped. And the Major Part of the Council are hereby requested to draw warrants on [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State in favour of the Muster-Masters in the three Eastern Counties, for sums of money proportionable to the number of men which each of the said Counties are directed to furnish, pursuant to these Resolves; and also the further sum of three Shillings per mile, from such towns as they shall march from, to the place of their destination. And the Selectmen of such towns are hereby directed to pay the same and lay their accounts therefor before the Committee on Accounts for examination and allowance. It is further

*Resolved*, That if any person shall be detached by his officer for the service aforesaid, and shall not within twenty-four hours after he is so detached pay a fine of sixty Pounds, or procure some able-bodied man in his room, properly armed and equipped, he shall be held as a soldier in said detachment, and treated as such: And the officer who shall receive such fines, shall proceed to hire men therewith, or detach others, as the case may be, until he hath com-

<sup>1</sup> *Ante*, p. 337, chap. 734.



pleated his quota; and all Militia Officers, Selectmen or Committees, who shall receive any fine as aforesaid, are hereby directed to account with the Treasurer of the Town or Plantation where they dwell for the same, within three months from the time he or they shall so receive the fine or fines aforesaid. And any Militia Officer, and where there are no Militia Officers, the Selectmen of the Town, and where there are no Selectmen, the Committee of Correspondence, &c. are hereby authorized and empowered to take up, and by warrant commit to gaol, or to convey to the said regiment or corps, any soldier that may be detached as aforesaid, and shall either refuse to join said regiment or desert; and any soldier behaving in the manner aforesaid, shall be held to do a tour of duty whenever he may be found, either in guarding in this State, or in the Continental Army, twice as long as the time prescribed in the Resolve, in consequence of which the soldier was drafted.

*Resolved*, That where there are no Militia Officers, the Selectmen, and where there are no Militia Officers or Selectmen, the Committee are empowered and directed to do all duties by this Resolve enjoined upon Militia Officers or Selectmen.

*Resolved*, That if any person shall be detached as aforesaid, and shall neglect to procure an able-bodied man, armed and equipped in his stead, or pay said fine, for the space of twenty-four hours (unless in the judgment of the major part of the Selectmen of the Town to which the person so drafted belongs is not of ability herefor, he shall, in that case, pay such part of said fine as the Selectmen aforesaid shall determine does not exceed his ability) the Clerk of the Company to which he belongs, or a Constable of the Town shall, by virtue of a warrant from the Commanding Officer of such company, proceed to recover said fine in the same manner as Constables are authorized to proceed to recover taxes of those persons who neglect or refuse to pay the same; any Law or Resolve of this Court to the contrary notwithstanding.

*Resolved*, That the men who shall be enlisted or drafted from the militia of the several towns in this State by force of the foregoing Resolve, shall be held and returned for the towns whereof they are residents and no other; and that all contracts, bargains and agreements made with any person to serve for any other town than that whereof he is a resident, shall be null and void; unless a certificate be obtained from the major part of the Selectmen of such town, that their quota is compleat, in order that from the returns made due credit shall be given to such as do comply with the requisition aforesaid.

*Resolved*, That Brig. Gen. [Peleg]<sup>1</sup> Wadsworth be and hereby is empowered to execute martial law in the County of Lincoln, from the sea coasts ten miles, and the islands adjacent, agreeable to the rules and regulations provided for the government of the American Army; provided he shall judge the good of the service and the safety of the State shall require the same.

*Resolved*, That the Honorable the Major Part of the Council be requested to procure and order an Engineer of experience immediately to Falmouth, to view the works already constructed there, and to lay out such other works as he may judge absolutely necessary for its defence.

*Resolved*, That Brig. Gen. [Peleg]<sup>1</sup> Wadsworth be and he hereby is empowered to raise a company of Volunteers in the County of Lincoln, if the good of the public will appear thereby to be promoted. [*Passed March 25.*<sup>2</sup>

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xvi., 381.

<sup>2</sup> This date is March 15 according to Massachusetts Resolves, and March 18 according to Legislative Records of the Council.



## CHAPTER 864.

RESOLVE EMPOWERING PETER NOYES, ESQ., TO DEMAND THE SALVAGE OF THE SCHOONER NANCY, AN ENEMY CARTEL, CAST ASHORE ON CAPE ELIZABETH, FEB. 12<sup>TH</sup> LAST, AND DIRECTING HIM TO RETURN AN EXACT INVENTORY AND THE NAMES OF THE PERSONS REFUSING HIM.

Legislative  
Records of the  
Council,  
xl., 290.  
Mass.  
Archives,  
ccxxvi., 340.  
Mass.  
Resolves,  
March Session,  
chap. 38.

Mass.  
Archives,  
ccxxvi., 336-  
339.  
Post, p. 506,  
chap. 1125.

WHEREAS it appears to this Court that the schooner Nancy; a vessel in the service of the enemy, and duly commissioned as a cartel, on her passage from Halifax to this State, was cast ashore on or about the 12th day of February last, at Cape Elizabeth; And whereas it appears that the articles saved from the wreck were afterwards unfairly and illegally sold: And whereas all cartels, with their appurtenances, are under the special protection of the state in whose ports they arrive, and the reputation of the government is interested in preventing any embezzlement or unnecessary loss to the enemy, who in such instances, by the laws of nations, have a right to confide in the faith and justice of the government to defend and secure such property: And whereas it appears that the appurtenances saved out of the aforesaid schooner were sold and the hull burnt, without the permission or knowledge of proper authority: Therefore

*Resolved*, That the said Peter Noyes be and he hereby is authorized and empowered to demand and receive of each and every possessor of the several articles which were saved from said cartel all such articles, and in case of refusal, to make return of the name of each person so refusing to the Council of this State, in order that a due process of law may be had for the recovery of the property so irregularly obtained and injuriously withheld. And the said Peter Noyes is hereby directed to make and return to the Council an exact inventory of the articles he may receive in consequence of this Resolve, and to hold such articles in safe custody until he shall receive the orders of Council concerning the same. [*Passed March 25.*<sup>1</sup>

## CHAPTER 865.

RESOLVE DIRECTING THAT THE PAY ROLLS OF COL. NATHAN TYLER'S REGIMENT FOR SERVICE IN RHODE ISLAND BE RETURNED TO THE SECRETARY'S OFFICE.

Legislative  
Records of the  
Council,  
xl., 312.  
Mass.  
Archives,  
ccxxvi., 373.  
Mass.  
Resolves,  
March Session,  
chap. 72.

WHEREAS the pay-rolls for the regiment commanded by Col. Nathan Tyler, in the State of Rhode-Island, were made up by order of Court for the whole of the month of December last, and said regiment was discharged before the expiration thereof:

*Resolved*, That the said rolls be returned into the Secretary's-office of this State, and that there be new rolls made for said month, for the time they remained in service. [*Passed March 25.*

<sup>1</sup> This date is March 18 according to Legislative Records of the Council and Massachusetts Resolves.



## CHAPTER 866.

RESOLVE EMPOWERING THE EXECUTRIX OF EZRA ALLEN, LATE OF PLYMOUTH, DECEASED, TO EXECUTE A GOOD AND SUFFICIENT DEED OF ONE-QUARTER OF A LOT OF LAND, WHARF AND WAREHOUSE TO EPHRAIM SPOONER.

UPON THE PETITION of Mary Allen, sole executrix of the last will and testament of Ezra Allen, late of Plymouth, deceased, praying to be empowered to make sale of certain premises mentioned in her petition:

*Resolved*, That the prayer of said petition, for the reasons therein set forth, be granted, and that the said Mary Allen be and she hereby is authorized and empowered, in her said capacity of executrix, to give and execute a good and sufficient deed, in fee simple, of one quarter part of a certain lot of land, wharf and warehouse, the estate of her testator, as described in said petition, to Mr. Ephraim Spooner, of said Plymouth, for the considerations in said petition set forth; any law, usage or custom to the contrary notwithstanding. [*Passed March 25.*]

Legislative  
Records of the  
Council,  
xl., 312.  
Mass.  
Archives,  
ccxxvi., 374.  
Mass.  
Resolves,  
March Session,  
chap. 68.  
Mass.  
Archives,  
ccxxvi., 375-  
377.

## CHAPTER 867.

RESOLVE GRANTING £30 TO THE SELECTMEN OF GRAFTON FOR THE SUBSISTENCE OF GEORGE GIRE, A NEGRO, IN FULL OF HIS PENSION FOR TWO YEARS.

ON THE PETITION of the Selectmen of the Town of Grafton, in behalf of George Gire [a negro],<sup>1</sup> praying for a grant of a sum of money equal to the pension formerly granted by the General Court of this State, to the said George Gire:

*Resolved*, That there be paid out of the public Treasury of this State to the Selectmen of the town of Grafton the sum of thirty Pounds, for the subsistence of the said George Gire, in full for his said pension for two years. [*Passed March 25.*]

Legislative  
Records of the  
Council,  
xl., 313.  
Mass.  
Archives,  
ccxxvi., 378.  
Mass.  
Resolves,  
March Session,  
chap. 71.  
Mass.  
Archives,  
ccxxvi., 379.  
Province  
Laws, xviii.,  
145, chap. 66;  
xix., 82, chap.  
189.

## CHAPTER 868.

RESOLVE DIRECTING THE JUDGE OF PROBATE OF SUFFOLK COUNTY TO FIX A COMPETENT ALLOWANCE FOR THE COMFORTABLE SUPPORT OF THE AGED WIDOW MARY CRADOCK OUT OF THE ESTATES OF ROBERT AUCHMUTY AND THOMAS BRINLEY, ABSENTEES, HER SONS-IN-LAW.

ON THE PETITION of Mary Craddock [Craddock]:<sup>2</sup>

*Resolved*, That the Judge of Probate for the county of Suffolk be and hereby is authorized and directed to fix a competent allowance from time to time for the comfortable support of the aged widow, Mary Craddock, out of the estates of Robert Auchmuty and Thomas Brinley, absentees, who were both of them sons-in-law to said Mary, until the further order of the General court. [*Passed March 25.*]

Legislative  
Records of the  
Council,  
xl., 313.  
Mass.  
Archives,  
ccxxvi., 380.  
Mass.  
Resolves,  
March Session,  
chap. 69.  
Mass.  
Archives,  
ccxxvi., 381.

<sup>1</sup> Massachusetts Archives, ccxxvi., 379.

<sup>2</sup> Massachusetts Archives, ccxxvi., 381.



## CHAPTER 869.

RESOLVE PERMITTING ROBERT TEMPLE, ESQ., TO CHARTER A VESSEL AS A FLAG OF TRUCE TO CARRY HIMSELF, HIS WIFE, THREE DAUGHTERS AND TWO OR THREE SERVANTS TO IRELAND.

Legislative  
Records of the  
Council,  
xl., 313.  
Mass.  
Archives,  
clxxxvi., 124.  
Mass.  
Resolves,  
March Session,  
chap. 70.

ON THE PETITION of Robert Temple, Esq., praying for leave to hire a suitable vessel to be protected as a flag of truce, to carry himself, his wife and three daughters, to Ireland, with liberty to return whenever he shall think proper:

*Resolved*, That the prayer of said petition be so far granted that the said Robert Temple, Esq., be and hereby is permitted to charter a suitable vessel and to proceed in her to Ireland, with his wife and three daughters, with two or three servants, if he chuses it, said vessel to carry no more seamen than sufficient to navigate her, or receive on board more provisions than necessary for the voyage, and said Temple not to return to this State again without special leave of the General Court. [*Passed March 27.*<sup>1</sup>]

Mass.  
Archives,  
clxxxvi., 123.

## CHAPTER 870.

RESOLVE CANCELLING THE BOND OF JOHN CALDWELL, ESQ., OF BARRE AND PERMITTING HIM TO GO AT LARGE AND ENJOY EQUAL LIBERTY WITH THE REST OF HIS FELLOW-CITIZENS.

Legislative  
Records of the  
Council,  
xl., 315.  
Mass.  
Archives,  
ccxxvi., 411.  
Mass.  
Resolves,  
March Session,  
chap. 83.

ON THE PETITION of Nathan Sparhawk, in behalf of John Caldwell, Esq., of Barre, in the county of Worcester, praying that he may be released from his confinement:

*Resolved*, That the prayer of the petition be granted, and that the bond whereby the said John Caldwell, Esq., is confined be cancelled, and the said John Caldwell, Esq., is permitted to go at large and enjoy equal liberty with the rest of his fellow-citizens, any thing in the order of the General Assembly to the contrary notwithstanding. [*Passed March 27.*]

Mass.  
Archives,  
ccxxvi., 412.  
Province  
Laws, xx., 676,  
chap. 667.

## CHAPTER 871.

RESOLVE EXCUSING WARHAM PARKS, ESQ., AGENT OF CLOTHING IN HAMPSHIRE COUNTY FROM SAID SERVICE ON HIS DELIVERY OF THE CLOTHING HE HAS COLLECTED TO HIS SUCCESSOR.

Legislative  
Records of the  
Council,  
xl., 315.  
Mass.  
Archives,  
ccxxvi., 409.  
Mass.  
Resolves,  
March Session,  
chap. 85.

WHEREAS Warham Parks, Esq., Agent of cloathing in the county of Hampshire, has represented to this Court that he has attended that service in the best manner his time and abilities would permit, and that he has on hand a quantity of cloathing, and is very soon about to remove to a neighbouring town, which will make it inconvenient for the county to carry their cloathing to, therefore requests that he may be excused from that service:

*Resolved*, That Warham Parks, Esq., Agent of cloathing in the county of Hampshire, be and hereby is excused from said service, upon his delivering to the Agent that this Court shall appoint all the cloathing that he has collected and has on hand, taking his receipt therefor. [*Passed March 27.*]

Mass.  
Archives,  
ccxxvi., 410.  
*Ante*, p. 74,  
chap. 138.

<sup>1</sup> This date is March 25 according to Legislative Records of the Council and Massachusetts Resolves.



## CHAPTER 872.

RESOLVE FOR REMOVING WILLIAM MANNING AND FAMILY FROM PAXTON TO SPENCER.

ON THE PETITION of the Selectmen of Paxton, praying that William Manning and family be removed from Paxton:

*Resolved*, That the prayer of the petitioners be granted, and the said William Manning and family be removed to the town of Spencer, and the Selectmen of the town of Spencer are hereby directed to receive said William Manning and family, and provide for them agreeable to law. [*Passed March 27.*]

Legislative  
Records of the  
Council,  
xl., 316.  
Mass.  
Archives,  
ccxxvi., 407.  
Mass.  
Resolves,  
March Session,  
chap. 86.  
Mass.  
Archives,  
ccxxvi., 408.  
Province  
Laws, xx., 655,  
chap. 617.

## CHAPTER 873.

RESOLVE EMPOWERING SARAH BURNEE AN HEIR OF ONE OF THE INDIAN PROPRIETORS OF GRAFTON, TO SELL, WITH THE CONSENT OF THEIR GUARDIANS, FIFTEEN ACRES OF UNIMPROVED LANDS TO PAY HER JUST DEBTS.

ON THE PETITION of Sarah Burnee, an heir of one of the Indian proprietors in the town of Grafton, formerly called Hassanimischo, praying for liberty to sell about fifteen acres of unimproved land in said town of Grafton, for the reasons mentioned in said petition:

*Resolved*, That the prayer of said petition be so far granted as that the petitioner be and she hereby is impowered, with the consent of the guardians of the Grafton-Indians, to make sale of about fifteen acres of unimproved land lying in said Grafton, at the South-Easterly part of her land, for the most it will fetch, and execute a good deed or deeds of the same to the purchaser or purchasers, and the money arising by said sale to be appropriated for the payment of the petitioner's just debts, and the remainder, if any there be, to be put out on interest for the use and benefit of the petitioner, and to be laid out for her by the said guardians when necessity shall require it. [*Passed March 27.*]

Legislative  
Records of the  
Council,  
xl., 316.  
Mass.  
Archives,  
ccxxvi., 405.  
Mass.  
Resolves,  
March Session,  
chap. 76.  
Legislative  
Records of the  
Council,  
xxxviii., 509.  
Mass.  
Archives,  
ccxxvi., 406.

## CHAPTER 874.

RESOLVE REMITTING A FINE OF £600 TO THE TOWN OF NORWICH FOR NOT PROCURING THEIR QUOTA FOR THE CONTINENTAL ARMY IN 1779 AND ALLOWING A BOUNTY OF £120 FOR ONE OF THE MEN FOR WHICH SAID TOWN WAS FINED.

ON THE PETITION of John Kirkland, in the name and behalf of the town of Norwich, praying for a remittance of a fine of Six Hundred Pounds laid on said town for not procuring their quota of men to serve in the Continental Army, agreeable to a Resolve of the General Court of June 9th, 1779:

And whereas it appears that said Town did procure their quota, agreeable to said Resolve: Therefore

*Resolved*, That the sum of Six Hundred Pounds, laid on said town of Norwich as a fine, be remitted, and also the sum of one Hundred and twenty Pounds be allowed to said town as a bounty for the one man for which the said town was fined, agreeable to said Resolve. [*Passed March 27.*]

Legislative  
Records of the  
Council,  
xl., 316.  
Mass.  
Archives,  
ccxxvi., 413.  
Mass.  
Resolves,  
March Session,  
chap. 75.  
Mass.  
Archives,  
ccxxvi., 414,  
415.  
*Ante*, p. 44,  
chap. 75.



## CHAPTER 875.

RESOLVE DIRECTING THE NAVAL OFFICER FOR THE PORT OF BOSTON TO CLEAR OUT THE SLOOP SALLY FOR PHILADELPHIA, WITH SUGAR, COFFEE, RUM AND WINE THE PROPERTY OF PHILIP MORE.

Legislative  
Records of the  
Council,  
xl., 317.  
Mass.  
Archives,  
ccxxvi., 403.  
Mass.  
Resolves,  
March Session,  
chap. 80.

Mass.  
Archives,  
ccxxvi., 404.  
*Ante*, p. 237,  
chap. 498.

ON THE PETITION of Mungo Mackey [Mackay],<sup>1</sup> praying for liberty to export sundry articles (the property of Philip More) to Philadelphia:

*Resolved*, That [Nathaniel Barber, Esq.,]<sup>2</sup> the Naval-Officer for the port of Boston be and he hereby is authorized and directed to clear out on board the sloop Sally for Philadelphia, one hogshead of sugar, one hogshead of coffee, one hogshead of rum, and ten pipes of wine, the said Mungo Mackey [Mackay],<sup>1</sup> making oath that the said articles were at the time of their being imported, and still remain the property of the said Philip More; any law of this State to the contrary notwithstanding. [*Passed March 27.*]

## CHAPTER 876.

RESOLVE REMITTING £1,200, PART OF A FINE ON THE TOWN OF BLANDFORD FOR NOT PROCURING THEIR QUOTA FOR THE CONTINENTAL ARMY IN 1779, AND ALLOWING A BOUNTY OF £240 FOR TWO MEN SAID TOWN DID PROCURE.

Legislative  
Records of the  
Council,  
xl., 317.  
Mass.  
Archives,  
ccxxvi., 398.  
Mass.  
Resolves,  
March Session,  
chap. 84.

Mass.  
Archives,  
ccxxvi., 399,  
401.  
*Ante*, p. 43,  
chap. 75.

ON THE PETITION of David McConnough and others, Selectmen of the town of Blandford, praying for the remittance of a fine of Eighteen Hundred Pounds, laid on said town for not procuring their quota of men to serve in the Continental Army, agreeable to a Resolve of the General Court of the 9th of June, 1779:

And whereas it appears that said town did procure two of said men for which they were fined: Therefore

*Resolved*, That the sum of Twelve Hundred Pounds, a part of said fine be remitted; and also the sum of two Hundred and forty Pounds be allowed to said town of Blandford, as a bounty for the two men which it appears said town did procure agreeable to said Resolve. [*Passed March 27.*]

## CHAPTER 877.

RESOLVE GRANTING £300 TO JEREMIAH COLBORN FOR PROCURING THE PENOBSCOT INDIANS IN FAVOR OF THIS STATE.

Legislative  
Records of the  
Council,  
xl., 317.  
Mass.  
Resolves,  
March Session,  
chap. 79.

ON THE PETITION of Jeremiah Colborn, praying for compensation for his services done this State and his expences in procuring the Penobscot-Indians in favour of said State:

*Resolved*, That the prayer of the petition be granted, and that there be paid out of the public Treasury of this State to Jeremiah Colborn the sum of three Hundred Pounds, in full of his accounts for said service. [*Passed March 27.*]

<sup>1</sup> Massachusetts Archives, ccxxvi., 404.

<sup>2</sup> *Ante*, p. 333, chap. 716.



## CHAPTER 878.

RESOLVE ENTITLING ABRAHAM SAWYER, WOUNDED AT THE BATTLE OF HUBBARDSTON, HALF PAY AS A SOLDIER FROM FEBRUARY, 1780.

Legislative  
Records of the  
Council,  
xl., 318.  
Mass.  
Archives,  
ccxxvi., 395.  
Mass.  
Resolves,  
March Session,  
chap. 73.

ON THE REPRESENTATION of John Lucas, Commissary of pensioners, in behalf of Abraham Sawyer, late a soldier in Col. [Benjamin]<sup>1</sup> Tupper's regiment, and who was wounded at the battle of Hubbardston, on the retreat from Ticonderoga, whereby he is greatly disabled in his right-hand:

*Resolved*, That the said Abraham Sawyer is intitled to half-pay as a soldier, to commence from February 1, 1780. [*Passed March 27.*]

Mass.  
Archives,  
ccxxvi., 396,  
397.

## CHAPTER 879.

RESOLVE PERMITTING JOHN PINK, A SOLDIER OF THE TROOPS OF THE CONVENTION, TO RESIDE IN NORTHFIELD UNTIL FURTHER ORDER.

Legislative  
Records of the  
Council,  
xl., 318.  
Mass.  
Archives,  
ccxxvi., 391.  
Mass.  
Resolves,  
March Session,  
chap. 78.

ON THE PETITION of John Pink, a soldier of the troops of the convention of Saratoga, praying that he may have liberty to reside in this State, for the reasons set forth in said petition:

*Resolved*, That the prayer thereof be so far granted, that the said John Pink be permitted to reside in the town of Northfield, in this State, until the further order of the General Court or the Congress of the United States. [*Passed March 27.*]

Mass.  
Archives,  
ccxxvi., 392,  
393.

## CHAPTER 880.

RESOLVE ENTITLING WILLIAM MORGAN, A SAILOR, WOUNDED IN THE PENOBSCOT EXPEDITION, TO HALF PAY COMMENCING AUG. 1ST, 1779.

Legislative  
Records of the  
Council,  
xl., 318.  
Mass.  
Archives,  
ccxxvi., 387.  
Mass.  
Resolves,  
March Session,  
chap. 74.

ON THE REPRESENTATION of John Lucas, Commissary of pensioners, in behalf of William Morgan, mariner, who was wounded on board the Continental Ship Warren, on the expedition to Penobscot, on the attack the 1st of August, 1779, whereby he has almost lost the use of his right-hand:

*Resolved*, That the said William Morgan is intitled to half-pay as a sailor, to commence from the 1st of August, 1779. [*Passed March 27.*]

Mass.  
Archives,  
ccxxvi., 388-  
390.

## CHAPTER 881.

RESOLVE DIRECTING THE AGENT OF THE ESTATE OF ADINO PADDOCK, LATE OF BOSTON, ABSENTEE, TO STAY THE SALE OF THE HOUSE IN WHICH COL. RICHARD GRIDLEY NOW RESIDES UNTIL FURTHER ORDER.

Legislative  
Records of the  
Council,  
xl., 319.  
Mass.  
Archives,  
ccxxvi., 384.  
Mass.  
Resolves,  
March Session,  
chap. 77.

<sup>1</sup> ON THE PETITION of Col. Richard Gridley:

*Resolved*, That the Agent for the estate of Adino Paddock, late of Boston, an absentee, is hereby ordered and directed to stay the sale of the house of said Paddock, in which Col. Richard Gridley resides, until the further order of this Court, to which he is to be accountable for the rent. [*Passed March 27.*]

Mass.  
Archives,  
ccxxvi., 385.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xiii., 858.



## CHAPTER 882.

RESOLVE DIRECTING THE COMMITTEE APPOINTED TO PURCHASE CLOTHING AND SMALL STORES FOR THE ARMY TO CONTINUE ISSUING SHIRTS, SHOES AND HOSE TO EACH SOLDIER ENLISTED DURING WAR, ON CERTIFICATION OF THE SENIOR OFFICER IN BOSTON OF THE REGIMENT TO WHICH SAID SOLDIER BELONGS.

Legislative  
Records of the  
Council,  
xl., 319.  
Mass.  
Archives,  
ccxxvi., 383.  
Mass.  
Resolves,  
March Session,  
chap. 82.

*Ante*, p. 323,  
chap. 695.

## In the House of Representatives

The Committee of this House appointed to confer with the Committee of supplies relative to the delivering of cloathing to the Army, have attended that service, and after having enquired into the past conduct of said Committee are of opinion that the affair has been conducted in the best manner the nature of the case would admit of and ask leave to report the following state of facts, and subsequent Resolve:

Whereas the Committee appointed to purchase and forward cloathing and small stores for that part of the Continental Army raised by this State, were directed by a Resolve of the General Court of the 30th of December last past, to issue cloathing to new recruits, the officer who recruited them certifying the name of the soldier, and the regiment he belonged to, and transmit an account thereof to the Clothier of this State to prevent their drawing more than their proportion of cloathing: And whereas many soldiers reinlisted at camp, and others who were inlisted for during the war, and were furloughed before the cloathing arrived at camp that was forwarded in December last, and the Committee have deviated from the aforementioned Resolve by issuing cloathing to all soldiers inlisted during the war, the senior officer in Boston certifying that they were inlisted in his regiment; and certifying that they were in absolute necessity for the cloathing to enable them to join their regiment: Therefore

*Resolved*, That the Committee aforesaid continue to issue shirts, shoes and hose to such soldiers inlisted during the war, as the senior officer in Boston of the regiment said soldier belongs to shall certify the soldier is in necessity for to enable him to proceed to camp and transmit an account thereof to the Clothier of this State, to prevent their drawing more than their proportion of cloathing, any law, usage or custom to the contrary notwithstanding.

Read and Accepted

In Council

Read and Concurred. [*Passed March 27.*]

## CHAPTER 883.

RESOLVE PERMITTING ROBERT HUTSON AND DAVID SMITH, SOLDIERS OF THE TROOPS OF THE CONVENTION, TO RESIDE IN SHREWSBURY UNTIL FURTHER ORDER.

Legislative  
Records of the  
Council,  
xl., 320.  
Mass.  
Archives,  
ccxxvi., 416.  
Mass.  
Resolves,  
March Session,  
chap. 81.

Mass.  
Archives,  
ccxxvi., 417,  
418.

ON THE PETITION of Robert Hutson and David Smith, soldiers of the troops of the convention of Saratoga, praying they may have leave to reside in this State, for the reasons set forth in their petition:

*Resolved*, That the prayer thereof be so far granted, that the said Robert Hutson and David Smith be permitted to reside in the town of Shrewsbury, in this State, until the further order of this Court or the Congress of the United States. [*Passed March 28.*<sup>1</sup>]

<sup>1</sup> This date is March 27 according to Legislative Records of the Council and Massachusetts Resolves.



## CHAPTER 884.

RESOLVE REMITTING A FINE OF £600 LAID ON THE TOWN OF OAKHAM FOR NOT FURNISHING THEIR QUOTA FOR THE CONTINENTAL ARMY IN 1779 AS IT HAD ITS FULL PROPORTION.

ON THE PETITION of the town of Oakham, in the county of Worcester, therein setting forth that said town was fined as appears by the last tax-bill Six Hundred Pounds, in not complying with the requisition of the General Court, June last past, in raising their quota of the nine months men; your Committee on examination find said town had in the Continental service their full proportion:

*Resolved*, That said fine of Six Hundred Pounds be and hereby is remitted to said town of Oakham, and [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State is directed to discount the same. [*Passed March 28.*]

Legislative  
Records of the  
Council,  
xl., 321.  
Mass.  
Archives,  
ccxxvi., 419.  
Mass.  
Resolves,  
March Session,  
chap. 91.

Mass.  
Archives,  
ccxxvi., 420.

## CHAPTER 885.

RESOLVE DIRECTING THE NAVAL OFFICER OF THE PORT OF BOSTON TO CLEAR OUT THE SHIP FAVORITE, JONATHAN OAKES MASTER, FOR VIRGINIA WITH RUM, ETC., BELONGING TO ELEAZER CALLENDER, WINE, BELONGING TO COL. GRIFFIN, SPADES AND PICK-AXES BELONGING TO SAID STATE.

ON THE PETITION of William Shattuck, praying for liberty to export sundry articles mentioned in said petition to Virginia:

*Resolved*, That the prayer of said petition be granted, and [Nathaniel Barber, Esq.,]<sup>2</sup> the Naval-Officer for the port of Boston be and hereby is authorized and directed to clear out, on board the ship Favorite, Jonathan Oakes master, for the State of Virginia, ten hogsheads of West-India rum, ten hogsheads of coffee, four hogsheads of molasses, six hogsheads of sugar, said to be the property of Eleazer Callender, and five pipes of wine said to be the property of Col. Griffin, of said Virginia, also sixteen boxes of iron spades and pick-axes, for the State of Virginia, the said Shattuck making oath, that the rum, coffee, molasses and sugar, were at the time of their importation and still remain the property of said Callender, and the said ten [five] pipes of wine in like manner the property of Col. Griffin. [*Passed March 28.*]

Legislative  
Records of the  
Council,  
xl., 321.  
Mass.  
Archives,  
ccxxvi., 422.  
Mass.  
Resolves,  
March Session,  
chap. 90.

Mass.  
Archives,  
ccxxvi., 421.

## CHAPTER 886.

RESOLVE PERMITTING JOHN COTTAM, A SOLDIER OF THE TROOPS OF THE CONVENTION, TO RESIDE IN RUTLAND UNTIL FURTHER ORDER.

ON THE PETITION of John Cottam, a soldier of the convention troops of Saratoga, praying that he may reside in this State, for reasons set forth in said petition:

*Resolved*, That the prayer thereof be so far granted that the said John Cottam be permitted to reside in the town of Rutland, within this State, he having taken the oath of allegiance, until the further order of this Court, or the Congress of the United States. [*Passed March 28.*]

Legislative  
Records of the  
Council,  
xl., 321.  
Mass.  
Archives,  
ccxxvi., 423.  
Mass.  
Resolves,  
March Session,  
chap. 95.

Mass.  
Archives,  
ccxxvi., 424,  
425.

<sup>1</sup> *Ante*, p. 337, chap. 764.

<sup>2</sup> *Ante*, p. 333, chap. 716.



## CHAPTER 887.

RESOLVE DIRECTING THE AGENT ON THE ESTATE OF WILLIAM BRATTLE, ABSENTEE, TO LEASE HIS HOUSE IN TREMONT ST., BOSTON, TO GEN. WADSWORTH AND SUSPENDING THE PAYMENT OF £2,300 UNTIL FURTHER ORDER.

Legislative  
Records of the  
Council,  
xl., 322.  
Mass.  
Archives,  
ccxxvi., 426.  
Mass.  
Resolves,  
March Session,  
chap. 88.

Mass.  
Archives,  
ccxxvi., 427.

ON THE PETITION of Brig. Gen. Peleg Wadsworth, setting forth, that he bid off a house that was William Brattle's, an absentee, and must pay the money by the 1st day of April next, in order to get a lease of the same, [praying for an extension of time]:<sup>1</sup>

*Resolved*, That the prayer of the petition be so far granted, that the Agent on the estate of the said William Brattle be and is hereby directed to give to the said Peleg Wadsworth, or his order, a lease of the house in Tremont Street, mentioned in said petition, and that the money said house was leased for be postponed, and not paid to said Agent until the further order of this Court, which sum said house was bid off at was Two Thousand and three Hundred Pounds, said Peleg Wadsworth to be accountable for the same to this Court. [*Passed March 28.*]

## CHAPTER 888.

RESOLVE PERMITTING MESSIEURS BROOM AND SEARS TO SELL ENGLISH GOODS AT WHOLESALE FOR THE BENEFIT OF THE ARMY AND INHABITANTS.

Legislative  
Records of the  
Council,  
xl., 322.  
Mass.  
Archives,  
ccxxvi., 429.  
Mass.  
Resolves,  
March Session,  
chap. 94.

Mass.  
Archives,  
ccxxvi., 430.

ON THE PETITION of Maj. Benjamin Tallmadge, representing the difficulty he meets with in providing cloathing for the 2nd regiment of light-dragoons, and praying that Messieurs Broom and Sears, now possessed of a quantity of goods, may be permitted to sell them at wholesale:

*Resolved*, That the said Broom and Sears be and hereby are permitted to sell the English goods they are now possessed of, for the benefit of the army and the inhabitants of this State, at wholesale, any law or resolve to the contrary notwithstanding. [*Passed March 28.*]

## CHAPTER 889.

RESOLVES DIRECTING THE BOARD OF WAR TO PROCURE ARTICLES FOR COL. ALLAN AT MACHIAS, TO CONTINUE THE SIXTY MEN IN SERVICE THERE AND TO SEND SIX WHALE-BOATS TO HIM.

Legislative  
Records of the  
Council,  
xl., 324.  
Mass.  
Archives,  
cxliv., 441.  
Mass.  
Resolves,  
March Session,  
chap. 87.

Mass.  
Archives,  
cxliv., 444-  
459;  
ccxxxv., 83.  
*Ante*, p. 339,  
chap. 739;  
p. 397, chap.  
863.

THE COMMITTEE of both Houses appointed to take into consideration two letters from John Allan, Esq., with papers accompanying, have attended the service assigned them and having duly considered the same, report the following Resolutions,

which are submitted

WILLIAM SEVER per Order

*Resolved*, That the Board of War be and hereby are directed to procure the several articles contained in the schedule annexed, and send them to Col. Allen [Allan]<sup>2</sup> at Machias, together with such articles as they were directed by a Resolve of the General Assembly of the 6th of January last to procure and send to the said Col. Allen [Allan],<sup>2</sup> and that they be and hereby are directed to pro-

<sup>1</sup> Massachusetts Archives, ccxxvi., 427.

<sup>2</sup> *Ibid.*, cxliv., 444.



vide a small vessel for the transportation of the same to Machias, as soon as they can be procured.

*Resolved*, That the sixty men which Col. Allen [Allan],<sup>1</sup> has issued orders for raising in consequence of a resolve of the General Assembly the last summer, and whose term of service expires on the 1st day of May next, be continued in the service of this State until the further order of the General Assembly, on the same establishment on which they were raised.

*Resolved*, That six of the whale-boats lately ordered to be procured for the use of the troops to be raised and stationed in the Eastern parts of this State be sent to Col. Allen [Allan]<sup>1</sup> at Machias, for the use of the troops stationed there.

*Schedule of Supplies necessary for the Indians in the Eastern Department.*

*Ordnance Stores.*

Cartridges for cannon and small arms,	6 lb. match rope,
or paper for the same,	3 sets of priming-wires for 9 & 4 pounders.
100 rounds of shot, 9 lb.	6 sheep-skins,
50 ditto 4 lb.	2 drums.

*Truck-House for Indian-Bounties and Payments, &c.*

150 hats, 100 shirts,	20 pieces broad and narrow bindings,
10 pieces of white and checked linen,	2 m. needles,
6 pieces cotton stuff and worsted, ditto,	12 doz. knives of different sorts,
Broadcloth,	flints, 100 steels,
4 pieces oznabrigs and dowlass,	1 box of pipes,
2 pieces baizes, 4 pieces serges,	100 axes and hatchets,
4 pieces callimancoes, 4 pieces shal-	2 doz. brass kettles, small,
loons,	1 doz. frying pans,
10 pieces ribbands, 50lb. thread,	1000 lb. tobacco.
10 pieces gartering,	

[*Passed March 28.*

## CHAPTER 890.

RESOLVES DIRECTING THE COMMITTEE FOR PURCHASING SMALL STORES TO FURNISH COL. JOHN CRANE WITH BLANKETS FOR HIS NEW RECRUITS AND TO SUCH OTHER SOLDIERS, ENLISTED AND MUSTERED, WHO APPEAR TO BE IN NECESSITOUS CIRCUMSTANCES.

ON THE PETITION of John Crane, Colonel of [the 3d. Continental]<sup>2</sup> Artillery:

*Resolved*, That the Committee for purchasing small stores for the Army be and they hereby are directed to furnish Col. Crane with thirty-four blankets, for the use of thirty-four new recruits, upon the said Crane's returning to them a list of the names of such recruits to whom the blankets are to be delivered; and the said Committee are directed to transmit to the Clothier of this State a copy of this Resolve with a list of the names of such recruits as they shall supply with blankets, that they may be regularly charged by him to the respective men. And it is further

*Resolved*, That, the Committee aforesaid be and they are hereby directed to furnish such other soldiers who are enlisted, or shall hereafter enlist, during the war, as this State's quota and have been mustered, upon the Commanding Officer of the Regiment to which such recruits belong giving in to them a list of the names of such recruits, as are in pressing want of blankets. And the said Committee are directed to transmit to the Clothier a return of the supplies made in manner and form as above directed. [*Passed March 29.*<sup>3</sup>

Legislative  
Records of the  
Council,  
xl., 323.  
Mass.  
Archives,  
cxxxvi., 434.  
Mass.  
Resolves,  
March Session,  
chap. 89.  
Mass.  
Archives,  
cxxxvi., 432,  
433.

<sup>1</sup> Massachusetts Archives, cxliv., 444.

<sup>2</sup> Heitman, Historical Register of the Officers of the Continental Army, 1914.

<sup>3</sup> This date is March 28 according to Legislative Records of the Council and Massachusetts Resolves.



## CHAPTER 891.

RESOLVE DISCHARGING GEORGE GODFREY, AND OTHERS, THE COMMITTEE APPOINTED TO SELL THE ESTATE OF DANIEL LEONARD IN BRISTOL COUNTY, OF £3,520.

Legislative  
Records of the  
Council,  
xl., 325.  
Mass.  
Archives,  
ccxxvi., 462.  
Mass.  
Resolves,  
March Session,  
chap. 98.

Mass.  
Archives,  
ccxxvi., 463-  
466b.  
*Ante*, p. 152,  
chap. 312.

THE COMMITTEE appointed to make sale of the estate of Daniel Leonard, in the county of Bristol, agreeable to an Order of the General Court, having exhibited their accounts, by which it appears that they have received for the sale of the estate aforesaid the sum of Three Thousand five Hundred and twenty Pounds: And whereas it appears that there is a ballance of the sum of Two Hundred fifty-three Pounds fourteen Shillings and six Pence due to said Committee for their time and expences, and said Committee have accounted with this Court for the sum of Three Thousand two Hundred and sixty-six Pounds five Shillings and six Pence paid [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State, amounting in the whole to the sum of Three Thousand five Hundred and twenty Pounds: Therefore

*Resolved*, That George Godfrey, Ephraim Starkweather and Nathaniel Morton, Esq., the Committee before-mentioned, be and they hereby are discharged from said sum of Three Thousand five Hundred and twenty Pounds, being the amount of said estate which they have sold.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed March 29.*]

## CHAPTER 892.

RESOLVE DIRECTING THE COMMITTEE FOR THE SALE OF CONFISCATED ESTATES IN PLYMOUTH COUNTY TO SUSPEND THE SALE OF THE ESTATE OF PETER OLIVER AND THE AGENT TO LEASE THE SAME, OWING TO A MORTGAGE ON PART HELD BY THE CHILDREN OF JOSHUA SPOONER, LATE OF BROOKFIELD.

Legislative  
Records of the  
Council,  
xl., 326.  
Mass.  
Archives,  
ccxxvi., 467.  
Mass.  
Resolves,  
March Session,  
chap. 97.

Mass.  
Archives,  
ccxxvi., 468.

In the House of Representatives

The Committee on the petition of John Jones Spooner, guardian to the children of Joshua Spooner, late of Brookfield, deceased, setting forth, that the said Joshua Spooner had a mortgage on the estate of Peter Oliver, Esq., an absentee, praying the order for the sale of said estate may be suspended, and the children put in quiet possession of the same, beg leave to report that there is a mortgage on the one half of said estate, and a bond of One Thousand Pounds sterling: Therefore

*Resolved*, That the prayer of the petition be so far granted, that the Committee for the sale of confiscated estates in the county of Plymouth be and they are hereby directed to suspend the sale of said Peter Oliver's estate, until the further order of the General Court, and that the Agent for said estate be directed to lease the same, agreeable to the Order of the General Court for leasing confiscated estates.

Read and Accepted

In Council

Read and Concurred. [*Passed March 29.*]

<sup>1</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 893.

RESOLVE REQUESTING THE PRESIDENT OF THE COUNCIL TO SIGN AND SEND TO THE DELEGATES AT CONGRESS A LETTER DIRECTING THEM TO SOUND CONGRESS AS TO ALLOWING STAFF OFFICERS THE SAME DONATIONS, GRATUITIES, AND EMOLUMENTS GRANTED THE OFFICERS AND SOLDIERS IN THE STATE'S QUOTA.

*Resolved*, That the following letter be signed by the President of the Council and sent to our Delegates at Congress.

GENTLEMEN,

In consequence of the donations, gratuities, and emoluments at various times granted by the General Court to the officers and soldiers which constitute this State's quota of the Continental Army, reiterated applications from the officers in almost every department of the staff have been made for similar favours, but as it was doubtful whether persons serving in the general staff would be considered as forming part of our quota, and the State be credited accordingly, we have hitherto considered them as not intitled to the benefits which the officers and soldiers in the Massachusetts line derive from the Resolves and acts of this government, made purposely for their advantage.

You are therefore, Gentlemen, hereby directed by the General Assembly to take the sense of Congress on the subject; and should they think proper to credit this State for the various officers who belong to it serving in the different staff departments, you will obtain an explicit declaratory Resolve for this purpose; should the Congress think otherwise, you will then inform the General Court whether Congress mean to make a particular provision for them equivalent to what has been made by this State for the officers and soldiers of their fifteen battalions. [*Passed March 29.*]

Legislative  
Records of the  
Council,  
xl., 326.  
Mass.  
Archives,  
ccxxvi., 435.  
Mass.  
Resolves,  
March Session,  
chap. 99.

## CHAPTER 894.

RESOLVES REQUESTING THE COUNCIL TO ISSUE THEIR ORDERS TO THE BRIGADIERS OF SUFFOLK, WORCESTER AND HAMPSHIRE TO DETACH GUARDS TO DO DUTY IN BOSTON, RUTLAND AND SPRINGFIELD AND MAKING AN ESTABLISHMENT FOR THEM.

WHEREAS it hath been represented to this Court that the time of the guards who were doing duty in the Counties of Suffolk, Worcester and Hampshire is expired and near expiring: Therefore

*Resolved*, That the Honorable major part of the Council be and they hereby are requested to issue their orders to the Brigadier of the County of Suffolk, ordering him to detach from the Brigade under his command one Captain and one Hundred non-commissioned officers and private soldiers, one Drummer and one Fifer, to do duty as guards at Boston; and to the Brigadier of the County of Worcester, ordering him to detach or inlist from his Brigade one Captain, one Lieutenant, four Serjeants, four Corporals, one Drummer, one Fifer, and forty private soldiers, to do duty as guards at Rutland; and to the Brigadier of the County of Hampshire, ordering him to detach or inlist from his Brigade one Captain and forty-eight non-commissioned officers and private soldiers, one Drummer and one Fifer, to do duty as guards at Springfield: The above guards to serve for the term of eight months, unless sooner discharged, and that the guards aforesaid shall have the following pay in full compensation for their serv-

Legislative  
Records of the  
Council,  
xl., 327.  
Mass.  
Archives,  
ccxxvi., 470.  
Mass.  
Resolves,  
March Session,  
chap. 96.

Province  
Laws, xx., 676,  
chap. 670.



ices, viz. to a Captain seventy Pounds, to a Lieutenant, fifty-five Pounds, to a Serjeant thirty-nine Pounds, Drummer thirty-two Pounds four Shillings, Corporal thirty-two Pounds four Shillings, to each private soldier the sum of thirty-one Pounds for each calendar month they shall serve, and shall be intitled to receive one ration per day while in said service; and for the better regulation of said guards, it is further

*Resolved*, That in case of any misdemeanor of any non-commissioned officer or private soldier, his Commanding Officer shall report his crime to any field officers of the regiment of militia where such guards are stationed, who are hereby empowered to call a court martial for the trial of such offenders. And it is further

*Resolved*, That the said Brigadiers be and are hereby empowered to appoint officers to command said guards other than those in the line of the militia, who have held commissions in the Continental Army, or otherwise of equal rank with the officer whose place he is to fill, if agreeable to the militia. [*Passed March 29.*]

## CHAPTER 895.

RESOLVE DIRECTING THE BOARD OF WAR TO SEND IRON-SHOD SHOVELS, SPADES, PICKAXES, ETC., TO FALMOUTH, CUMBERLAND COUNTY, WITHOUT DELAY; REQUESTING THE COUNCIL TO APPOINT COMMISSARIES AND QUARTERMASTERS AT FALMOUTH AND CAMDEN AND DIRECTING THE BOARD OF WAR TO SUPPLY SAID COMMISSARIES WITH COOKING UTENSILS AND CAMP EQUIPAGE AND THE TROOPS WITH CANNON AND AMMUNITION.

### In Council

The Committee of both Houses appointed to consider what further measures are necessary to be taken for the defence of the Eastern Parts of this State, have attended that service and report the following Resolve.

Which is submitted

ARTEMAS WARD per Order

*Resolved*, That the Board of War be and hereby are directed to send to Falmouth, in the county of Cumberland (without delay) one hundred and fifty iron shod shovels, one hundred spades, fifty pick-axes, fifty wheel-barrows, ten hand-barrows, twelve broad hoes, four crow-bars, and six felling axes, and deliver them to the Commissary that shall be appointed for the troops stationed there; and the Major Part of the Council are hereby requested to appoint a Commissary and a Quarter-Master to the troops stationed at Falmouth aforesaid, and a Commissary and Quarter-Master for the troops stationed at Camden, in the county of Lincoln, and to issue orders to the Board of War, directing them to supply each of the Commissaries aforesaid with such cooking utensils and other camp equipage as they the Council shall judge necessary for the use of said troops; any Resolve to the contrary notwithstanding. And the Council are further requested to direct the Board of War to supply the troops aforesaid with such cannon and quantities of ammunition as they shall judge necessary.

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed March 30.*]

Legislative  
Records of the  
Council,  
xl., 328.  
Mass.  
Archives,  
ccxxvi., 472.  
Mass.  
Resolves,  
March Session,  
chap. 100.

Mass.  
Archives,  
ccxxvi., 473.  
ccxxv., 84.  
*Ante*, p. 397,  
chap. 863.



## CHAPTER 896.

RESOLVE GRANTING £1,650 TO OLIVER PEABODY, ESQ., ONE OF THE CLERKS OF THE SUPERIOR COURT, FOR HIS SERVICES AND EXPENSES FROM THE 21st OF SEPT., 1779, TO THE 1st OF APRIL, 1780, THE FEES BEING INADEQUATE OWING TO THE HIGH PRICE OF NECESSARIES.

ON THE PETITION of Oliver Peabody, Esq., one of the Clerks of the Superior Court, representing, that on account of the high prices of the necessaries of life the fees annexed to that office are very inadequate to his services and expences, and praying a further allowance therefor from the Government:

*Resolved*, That there be paid out of the public Treasury to the said Oliver Peabody the sum of Sixteen Hundred and fifty Pounds, in full for his said services and expences, from the 21st of September last to the 1st day of April 1780. [*Passed March 30.*]

Legislative  
Records of the  
Council,  
xl., 329.  
Mass.  
Archives,  
ccxxvi., 478.  
Mass.  
Resolves,  
March Session,  
chap. 101.

Mass.  
Archives,  
ccxxvi., 479.

## CHAPTER 897.

RESOLVE GRANTING £5,800 TO ANDREW HENSHAW, ESQ., ONE OF THE CLERKS OF THE SUPERIOR COURT, FOR SERVICES AND EXPENSES TO THE 1st OF APRIL NEXT, THE FEES BEING INADEQUATE OWING TO THE HIGH PRICE OF NECESSARIES.

ON THE PETITION of Andrew Henshaw, Esq., one of the Clerks of the Superior Court, representing, that from the high prices of the necessaries of life the fees annexed to that office are inadequate to his services and expences, and praying an allowance from the Government:

*Resolved*, That there be paid to the said Andrew Henshaw the sum of Five Thousand eight Hundred Pounds, in full for his said services and expences to the 1st day of April next. [*Passed March 30.*]

Legislative  
Records of the  
Council,  
xl., 329.  
Mass.  
Archives,  
ccxxvi., 474.  
Mass.  
Resolves,  
March Session,  
chap. 102.

Mass.  
Archives,  
ccxxvi., 475.

## CHAPTER 898.

RESOLVES INSTRUCTING THE COMMITTEE APPOINTED TO MAKE SALE OF CONFISCATED ESTATES IN WORCESTER COUNTY.

ON THE REPRESENTATION of the Committee appointed by the General Court to make sale of confiscated estates in the county of Worcester, setting forth their proceedings, and desiring further direction thereon:

*Resolved*, That the said Committee be and they are hereby directed to demand the purchase money of all the lands they have already sold, and give and execute good and sufficient deeds to the purchasers respectively: Provided, they shall compleat their several payments on or before the 20th day of April next ensuing.

And that the said Committee further suspend the sale of the pew in the meeting house in Hardwick, the five acres of land in Lancaster, and the several lots of land mentioned in their report, until the further order of the General Court: And that they make further search into the records, and ascertain the mortgages mentioned also in their report, as soon as may be.

*Resolved*, That Elizabeth Cox of Hardwick, widow, be permitted to improve the farm in the said Hardwick called Cox's-farm (for the reasons mentioned in her petition presented the last May session) 'till the further order of the General Court, she first entering

Legislative  
Records of the  
Council,  
xl., 330.  
Mass.  
Archives,  
ccxxvi., 489.  
Mass.  
Resolves,  
March Session,  
chap. 107.

Mass.  
Archives,  
ccxxvi., 488.  
*Ante*, p. 275,  
chap. 587.



into a written contract with the Committee aforesaid, to suffer no strip or waste thereon, and to keep the same in good order.

*Resolved*, That the said Committee be and hereby are directed to proceed without unnecessary delay, to make sale of the small meadow lot in Athol, notwithstanding the claim by ——— Kendall to the same.

Whereas the said Committee have represented that certain lands in Charlton, belonging to William Brown of Salem, an absentee, and others, remain undivided:

*Resolved*, That the said Committee be and hereby are directed to apply to the Superior Court of Judicature, to cause a division to be made, and then proceed to make sale of the lands as soon as may be. [*Passed March 31.*]

## CHAPTER 899.

Legislative  
Records of the  
Council,  
xl., 331.  
Mass.  
Archives,  
ccxxvi., 487.  
Mass.  
Resolves,  
March Session,  
chap. 103.

RESOLVE GRANTING £1,000 TO JOHN LUCAS, COMMISSARY OF PENSIONERS, TO PAY THE RESPECTIVE PENSIONS AS THEY BECOME DUE.

*Resolved*, That there be paid out of the Treasury of this State to John Lucas, Commissary of Pensioners, the sum of One Thousand Pounds, to enable him to pay the respective pensions as they become due, he to be accountable to the General Court for the expenditure of the same. [*Passed March 31.*]

## CHAPTER 900.

RESOLVE DIRECTING THE TOWNS, AS HAVE NOT RECEIVED THEIR BOUNTIES FOR MEN SENT TO RHODE ISLAND IN 1778, TO LAY THEIR ACCOUNTS BEFORE THE COMMITTEE ON ACCOUNTS.

Legislative  
Records of the  
Council,  
xl., 331.  
Mass.  
Archives,  
ccxxvi., 483.  
Mass.  
Resolves,  
March Session,  
chap. 105.

WHEREAS it appears to this Court that several towns in this State who raised a number of men to go to Rhode Island, agreeable to a Resolve of the 12th of June 1778, have not received the bounty of fourteen Pounds allowed by said Resolve: Therefore

*Resolved*, That such towns as have not received the bounties aforesaid be directed to lay their accounts for said bounties before the Committee on accounts, who are empowered and authorized to examine the same, and pass upon such as appear to them well vouched, in order for payment. [*Passed March 31.*]

Province  
Laws, xx., 441,  
chap. 55.

## CHAPTER 901.

Legislative  
Records of the  
Council,  
xl., 332.  
Mass.  
Archives,  
ccxxvi., 481.  
Mass.  
Resolves,  
March Session,  
chap. 106.

RESOLVE GRANTING £159 TO WILLIAM SNELL, A PENSIONER OF THE FRENCH WAR, FOR TWO YEARS PENSION ENDING THE 20TH OF DECEMBER, 1779.

ON THE PETITION of William Snell, [a pensioner of the French War]<sup>2</sup> praying for an allowance on two years pension, for the reasons mentioned in said petition:

*Resolved*, That there be paid out of the Treasury of this State to William Snell the sum of One Hundred and fifty-nine Pounds, in full for his two years pension, ending the 20th day of December last. [*Passed March 31.*]

<sup>1</sup> This date is same in Massachusetts Resolves, but March 30 according to Legislative Records of the Council.

<sup>2</sup> Massachusetts Archives, ccxxvi., 482.



## CHAPTER 902.

RESOLVE DIRECTING THE NAVAL OFFICER OF THE PORT OF BOSTON TO CLEAR OUT THE SHIP MARIA, TIMOTHY PIERCE MASTER, FOR PENNSYLVANIA, WITH SUGAR, RUM, AND MADEIRA WINE SHIPPED BY JOHN BRADFORD, CONTINENTAL AGENT.

ON THE PETITION of Leonard Jarvis, praying for liberty to clear out the ship Maria, with sundry articles mentioned in said petition, for Philadelphia:

*Resolved*, That the prayer of said petition be granted, and that [Nathaniel Barber, Esq.,]<sup>1</sup> the Naval Officer for the port of Boston be and hereby is authorized and directed to clear out on board the ship Maria, Timothy Peirce, master, for the State of Pennsylvania, two Hundred and twenty hogsheads of sugar, ten puncheons of rum, and eighteen casks of Madeira wine, shipped by John Bradford, Esq., Continental Agent, on account of the United States; the said John Bradford, Esq., making oath that the sugar, rum and wine are the property of the United States. [*Passed April 1.*<sup>2</sup>

Legislative  
Records of the  
Council,  
xl., 332.  
Mass.  
Archives,  
ccxxvi., 484.  
Mass.  
Resolves,  
March Session,  
chap. 104.  
Mass.  
Archives,  
ccxxvi., 485,  
486.

## CHAPTER 903.

VOTE CHOOSING GEORGE GOULD FIRST MAJOR AND EBENEZER BATTLE, ESQ., SECOND MAJOR OF THE 1ST REGIMENT IN SUFFOLK COUNTY.

In the House of Representatives

The House, by Ballot, made choice of George Gould as First Major and Ebenezer Battle, Esq., as Second Major of the 1st Regiment of Militia in the County of Suffolk.

In Council

Read and Concurred. [*Passed April 1.*

Legislative  
Records of the  
Council,  
xl., 333.  
Mass.  
Archives,  
ccxxvi., 498.  
Mass.  
Resolves,  
March Session,  
chap. 109.

## CHAPTER 904.

RESOLVE REQUESTING THE JUDGE OF PROBATE OF SUFFOLK COUNTY TO APPOINT THREE FREEHOLDERS TO APPRAISE A HOUSE AND LAND IN WINTER ST., BOSTON, LATELY IMPROVED AS A HOSPITAL, BEING PART OF THE ESTATE OF DR. SYLVESTER GARDINER, ABSENTEE, IN ORDER THAT JOHN BOIES MAY PAY ONE YEAR'S RENT.

ON THE PETITION of John Boies:

*Resolved*, That the Judge of Probate for the county of Suffolk be and he hereby is requested to appoint three sufficient freeholders of the town of Boston, to appraise a house and land in Winter Street lately improved as a hospital, being part of the estate of Dr. Sylvester Gardiner, an absentee, said appraisement to be as if the house was in tenantable repair, and for one year, to commence from the 1st day of May next, the sum that the said house shall be appraised to be advanced by said John Boies, which shall be in full for one year's rent, and said sum to be laid out by the Agent for said estate, in such way and manner as will be most for the advantage and benefit of this State. [*Passed April 1.*

Legislative  
Records of the  
Council,  
xl., 333.  
Mass.  
Archives,  
ccxxvi., 496.  
Mass.  
Resolves,  
March Session,  
chap. 108.  
Mass.  
Archives,  
ccxxvi., 497;  
ccxxxv., 86.

<sup>1</sup> *Ante*, p. 333, chap. 716.

<sup>2</sup> This date is March 31 according to Legislative Records of the Council and Massachusetts Resolves.



## CHAPTER 905.

RESOLVE REMITTING £1,800 PART OF A FINE LAID ON THE TOWN OF WEST SPRINGFIELD FOR FAILURE TO RAISE ITS QUOTA IN 1779.

Legislative  
Records of the  
Council,  
xl., 334.  
Mass.  
Archives,  
cclxxv., 85.  
*Ante*, p. 43,  
chap. 75.

ON THE PETITION of Benjamin Ely, Esq., and others in behalf of the Town of West-Springfield praying that the fine set upon said Town for being deficient in raising the quota of men assigned them by the Resolve of the General Court of June 9th, 1779 for reasons set forth in said Petition:

*Resolved*, That the sum of Eighteen Hundred Pounds, part of said fine be remitted to said Town and [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of said State be and hereby is directed to discount the said sum of Eighteen Hundred Pounds with the Collector or Constable of said West-Springfield as part of the tax in which said fine was assessed. [*Passed April 1.*<sup>2</sup>

## CHAPTER 906.

RESOLVE APPOINTING JONATHAN HASTINGS, ESQ., AND OTHERS A COMMITTEE TO REPAIR TO WEST SPRINGFIELD, VIEW THE FISHERY IN THE AGAWAM RIVER AND REPORT AT THE NEXT SESSION, SUSPENDING IN THE MEANTIME THE ACT OF FEB. 9TH, 1779, RELATIVE TO SAME.

Legislative  
Records of the  
Council,  
xl., 333.  
Mass.  
Archives,  
cclxxvi., 500.  
Mass.  
Resolves,  
March Session,  
chap. 110.

Province  
Laws, xx., 696,  
chap. 717.

WHEREAS the inhabitants of the town of West-Springfield, in the county of Hampshire, presented a petition to the General Court of this State, praying for the suspension of an Act of the General Court of this State passed the 9th of February, 1779, relative to the fishery in Agawam-river; also that a Committee be appointed to repair to said West-Springfield to view the premises relative to said fishery, and report; which report the General Court complied with; and appointed a Committee for that purpose, but it hath so happened that the Committee so appointed by the Court and requested by the town to do that service, have neglected the same: Therefore

*Resolved*, That Jonathan Hastings, Esq., Col. Jonathan Hale and Capt. Timothy Clark be a Committee to repair to West-Springfield, to view their situation and circumstances relative to the fishery in Agawam river, and report what is proper to be done thereon, on the 3d Wednesday of the 1st session of the next General Court, and that the Act be suspended in the mean time. [*Passed April 3.*<sup>3</sup>

## CHAPTER 907.

RESOLVE GRANTING £300,000 TO THE BOARD OF WAR OUT OF THIS STATE'S PROPORTION OF THE CONTINENTAL TAX.

Legislative  
Records of the  
Council,  
xl., 334.  
Mass.  
Archives,  
cclxxvii., 1.  
Mass.  
Resolves,  
March Session,  
chap. 115.

ON THE REPRESENTATION of the Board of War, setting forth the necessity of their being immediately supplied with a sum of money, to enable them to execute the Orders of Government:

*Resolved*, That there be paid out of the Treasury of this State to the Board of War (from the money now lodged there as a part of this State's proportion of the Continental tax) the sum of Three Hundred Thousand Pounds, they to be accountable for the ex-

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> This date is April 3 according to Legislative Records of the Council.

<sup>3</sup> This date is same in Massachusetts Resolves, but April 1 according to Legislative Records of the Council.



penditure of the same; and [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State is hereby directed to replace the said Three Hundred Thousand Pounds from the taxes or other monies that he may hereafter receive, which is not otherwise appropriated. [*Passed April 3.*]

Mass.  
Archives,  
ccxxvii., 3-6.

## CHAPTER 908.

RESOLVES SUSPENDING A FINE LAID ON THE COUNTY OF YORK FOR DEFICIENCY OF MEN IN JUNE, 1779, AND DIRECTING THE SELECTMEN OF THE SEVERAL TOWNS TO MAKE RETURN TO THE SECRETARY OF MEN RAISED AND THOSE WHO ACTUALLY SERVED IN THE PENOBSCOT EXPEDITION.

ON THE PETITION from the County of York, praying that they be excused from the fine for their deficiency of their men they were ordered to raise for nine months by a Resolve of the General Court passed the 9th of June 1779, for the reasons set forth in said petition:

*Resolved*, That the prayer of said petition be so far granted that said fine be suspended for the present. And it is further

*Resolved*, That the Selectmen of the several Towns in said County be and they hereby are directed to make returns into the Secretary's office, on or before the 2d Wednesday of the next sessions of the General Court, of the number of men they have raised in compliance with the aforesaid Resolve, and also their apportion of men they had assigned them to raise for Penobscot by the Brigadier of said County, by Order of the Honorable the Council, passed June 29th 1779; also the number of men they actually had in service by land on said expedition. [*Passed April 3.*]

Legislative  
Records of the  
Council,  
xl., 334.  
Mass.  
Archives,  
ccxxvii., 10.  
Mass.  
Resolves,  
March Session,  
chap. 116.

Mass.  
Archives,  
ccxxvii., 11.  
*Ante*, p. 44,  
chap. 75; p. 114,  
chap. 221.

## CHAPTER 909.

RESOLVE GRANTING £355. 10s. TO CAPT. JOSEPH COOKE, GAOL-KEEPER IN NORTHAMPTON.

ON THE PETITION of Capt. Joseph Cooke, gaol-keeper in Northampton, praying for an allowance of the account annexed to the said petition:

*Resolved*, That the prayer of the said petition be granted, and that there be paid out of the public Treasury of this State to the said Joseph Cooke the sum of Three Hundred and fifty-five Pounds ten Shillings, in full of his said account. [*Passed April 3.*]

Legislative  
Records of the  
Council,  
xl., 335.  
Mass.  
Resolves,  
March Session,  
chap. 118.

## CHAPTER 910.

RESOLVE DIRECTING THE NAVAL OFFICER FOR THE PORT OF BOSTON TO CLEAR THE BRIG. BETSEY, JOSEPH COOKE, MASTER, FOR VIRGINIA, WITH MADEIRA WINE, LOAF SUGAR, BROWN SUGAR AND MOLASSES.

ON THE PETITION of Joseph Cooke, praying for liberty to ship sundry articles out of this State for Virginia, the property of Messieurs Clarke and Nightingale of Rhode-Island:

*Resolved*, That [Nathaniel Barber, Esq.,]<sup>2</sup> the Naval-Officer for the port of Boston be and he hereby is directed to give a proper

Legislative  
Records of the  
Council,  
xl., 335.  
Mass.  
Archives,  
ccxxvii., 15.  
Mass.  
Resolves,

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> *Ante*, p. 333, chap. 716.



March Session,  
chap. 117.  
Mass.  
Archives,  
ccxxvii., 16.  
Province  
Laws, xx., 1114.  
chap. 13.

clearance for four pipes of Madeira wine, three hogsheads of loaf sugar, three hogsheads of brown sugar, and two hogsheads of molasses, to be shipped on board the brig. Betsey, Joseph Cooke, master, bound to Virginia, any law to the contrary notwithstanding. [*Passed April 3.*]

## CHAPTER 911.

RESOLVE REMITTING £600, PART OF A FINE LAID ON THE TOWN OF WILLIAMSBURG, TO BE DISCOUNTED OUT OF STATE TAX.

Legislative  
Records of the  
Council,  
xl., 335.  
Mass.  
Archives,  
ccxxvii., 61, 62.  
Mass.  
Resolves,  
March Session,  
chap. 112.

ON THE PETITION of William Bodman, Agent for the town of Williamsburgh, praying for an abatement of part of a fine laid on said town in the last tax-act:

*Resolved*, That the sum of Six Hundred Pounds be remitted to said town, and [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of said State be and hereby is directed to discount said sum of Six Hundred Pounds, with the Collector or Constable of said Williamsburgh, as a part of the tax in which said fine was assessed. [*Passed April 3.*]

Mass.  
Archives,  
ccxxvii., 60, 61.  
*Ante*, p. 225,  
chap. 479.

[The body of the petition follows.]

The Petition of William Bodman Agent for the Town of Williamsburgh most Humbly Sheweth that Said Town was fined in the last Tax Act Two Thousand four Hundred Pounds for four men that were apportioned upon said Town for their Quota of the Two Thousand men that were ordered by the General Court to reinforce Gen. Washington last October. And your Petitioner has been informed by the Committee that made the apportionment that they made it upon the Polls agreeable to the last Valuation. And the Town agreeable to the order of Court sent their Valuation to be lodged in the Secretary's Office but could not be found by the Committee on the Valuation. Consequently the Town was Doomed in the whole. One Hundred and thirty Polls were set to said Town which is sixteen more than were in said Town at that time, which according to the meathod that the Committee proceeded in will make one man more to Williamsburgh than they otherwise would have had all which your Petitioner is able to make appear.

Therefore your Petitioner in the name and behalf of said Town most Humbly Prays this Honorable Court to take their case into your wise consideration and remit to said Town Six Hundred Pounds in part of the fine which was laid on said Town more than their just proportion, or relieve said Town in some other way as you in your wisdom shall judge proper and your Petitioner in behalf of said Town as in duty bound shall ever Pray.

## CHAPTER 912.

RESOLVE DIRECTING THE NAVAL OFFICER OF THE PORT OF BOSTON TO CLEAR OUT THE SLOOP MARIA, JABEZ LORD, COMMANDER, FOR NORWICH, CONN., WITH SALT, TEA, GENEVA, SUGAR, BRANDY, COFFEE AND RUM, WHICH WAS PREVENTED FROM BEING CARRIED BY LAND IN NOVEMBER LAST, BY THE INCLEMENCY OF THE WEATHER.

Legislative  
Records of the  
Council,  
xl., 336.  
Mass.  
Archives,  
ccxxvii., 17.  
Mass.  
Resolves,  
March Session,  
chap. 119.

ON THE PETITION of Jabez Lord:

*Resolved*, That [Nathaniel Barber, Esq.,]<sup>2</sup> the Naval-Officer for the port of Boston be and he is hereby authorized and directed to clear out for Norwich, in the State of Connecticut, the following articles belonging to Christopher Leffingwell, Esq., of said Norwich, which were imported into this State and leave given to carry the same by land in November last, but prevented by the inclemency of the season, on board the sloop Maria, Jabez Lord, commander, two hogsheads of salt, one tierce of tea, five cases of geneva, twenty-eight barrels of sugar, seven kegs of brandy, five bags of coffee, ten hogsheads and five tierces of rum, any law of this State notwithstanding. [*Passed April 3.*]

Mass.  
Archives,  
ccxxvii., 18, 19.  
Province  
Laws, xx., 1114.  
chap. 13.

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> *Ante*, p. 333, chap. 716.



## CHAPTER 913.

RESOLVE DIRECTING WILLIAM PYNCHON, ESQ., JUSTICE OF THE PEACE, TO LICENSE DANIEL LAMB TO KEEP A TAVERN IN SPRINGFIELD UNTIL THE AUGUST SESSION OF THE COURT OF GENERAL SESSIONS.

ON THE PETITION of Daniel Lamb of Springfield, in the county of Hampshire, praying the General Court of this State to appoint some Justice of the Peace in the vicinity to license him for an innholder and to keep a public tavern, for reasons set forth in said petition:

*Resolved*, That if Daniel Lamb the petitioner shall procure a certificate from the Selectmen of Springfield, that he the said Lamb is qualified for an innholder, in manner as the law directs, and shall give bonds with sufficient security for his good behaviour in that business, that then, and in that case, William Pyncheon, Esq., of Springfield, be and he is hereby directed to give license to the said Daniel Lamb, to keep a tavern, or house of public entertainment, until the time the Court of General Sessions in August next shall issue licenses, any act or resolve of the General Court of this State to the contrary notwithstanding. [*Passed April 3.*]

Legislative  
Records of the  
Council,  
xl., 336.  
Mass.  
Archives,  
ccxxvii., 23.  
Mass.  
Resolves,  
March Session,  
chap. 113.

Mass.  
Archives,  
ccxxvii., 24,  
24½.

## CHAPTER 914.

RESOLVES ABATING ONE THIRD OF THE TAXES LAID UPON MYRIFIELD, REMITTING A FINE OF £600 FOR FAILURE TO COMPLETE QUOTA AND DIRECTING THE TREASURER TO SUSPEND HIS EXECUTIONS AGAINST THE SAME.

ON THE REPRESENTATION and petition of the Committee of the plantation called Myrifiel<sup>1</sup>d, in the County of Hampshire, praying for an abatement of their taxes, and a reprieve from all fines and costs of executions on Collectors or Assessors, and the fine of Six Hundred Pounds, imposed upon the said plantation for the failure of one man in the nine months service:

*Resolved*, That one third part of all the taxes set upon the plantation called Myrifiel<sup>1</sup>d, by order of the General Court of this State since the last general valuation and apportionment of taxes upon the several towns in this State, be and they hereby are abated. Also

*Resolved*, That the fine of Six Hundred Pounds set upon the said plantation in the last tax bill for the failure of one man in the nine months service, be remitted. And it is further

*Resolved*, That [Henry Gardner, Esq.,]<sup>2</sup> the Treasurer of this State be and he hereby is directed to suspend the sending executions upon the Collectors of the aforesaid plantation until they shall be served with a copy of the foregoing Resolve, any former Resolve or Order of this Court to the contrary notwithstanding. [*Passed April 3.*]

Legislative  
Records of the  
Council,  
xl., 337.  
Mass.  
Archives,  
ccxxvii., 25.  
Mass.  
Resolves,  
March Session,  
chap. 111.

Mass.  
Archives,  
ccxxvii., 26;  
ccclxxxv., 87.

<sup>1</sup> Massachusetts Resolves erroneously reads "Murrayfield."

<sup>2</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 915.

RESOLVE REQUESTING THE COUNCIL TO GRANT WARRANTS FOR THE PAYMENT OF SUCH SUMS AS MAY BE DUE FROM THE CERTIFICATES LODGED IN THE SECRETARY'S OFFICE BY THE COMMITTEE ON ACCOUNTS OF SUPPLIES TO SOLDIERS' FAMILIES.

Legislative  
Records of the  
Council,  
xl., 337.  
Mass.  
Archives,  
ccxxvii., 29.  
Mass.  
Resolves,  
March Session,  
chap. 114.

*Ante*, p. 304,  
chap. 653.

*Resolved*, That the Honorable the major part of the Council be and they are hereby requested to grant warrants on [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State for the payment of such sums as may appear due from the certificates lodged in the Secretary's office by the Committee on accounts, to the Selectmen or Commissaries of the several towns appointed for the purpose of supplying the soldiers families, agreeable to a Resolve of December 20th, 1779, which refers to the payment of said accounts. [*Passed April 3.*]

## CHAPTER 916.

RESOLVE GRANTING £300 TO JOSHUA HENSHAW, ESQ., AND £2,067 TO JOHN PRESTON AND NATHANIEL CUDWORTH FOR SEARCHING DEEDS AND MEASURING ABSENTEES ESTATES.

Legislative  
Records of the  
Council,  
xl., 337.  
Mass.  
Archives,  
ccxxvii., 30.  
Mass.  
Resolves,  
March Session,  
chap. 120.

Mass.  
Archives,  
ccxxvii., 31, 32.

In the House of Representatives

The Committee appointed to examine the accounts of Joshua Henshaw, John Preston and Nathaniel Cudworth [for searching the deeds, measuring, &c. of absentees estates in Suffolk County]<sup>2</sup> have attended that service and beg to report the following Resolve:

*Resolved*, That there be paid out of the public Treasury to Joshua Henshaw, Esq., the sum of Three Hundred Pounds, and also the sum of Two Thousand and sixty-seven Pounds to Mr. John Preston and Nathaniel Cudworth, in full of their accounts.

Read and Accepted

In Council

Read and Concurred. [*Passed April 3.*]

## CHAPTER 917.

RESOLVE GRANTING £390 TO JONATHAN HANCOCK, WHO WAS TAKEN AT TICONDEROGA AND CARRIED INTO CANADA.

Legislative  
Records of the  
Council,  
xl., 323.  
Mass.  
Archives,  
ccxxvii., 33.  
Mass.  
Resolves,  
March Session,  
chap. 93.

Mass.  
Archives,  
ccxxvii., 34.

In the House of Representatives

The Committee appointed to consider the petition of Thomas Hancock in behalf of his son Jonathan Hancock who while he was a souldier in a Regiment of Militia at Ticonderoga, was taken by the British enemy and carried into Canada and there detained a Prisoner for the space of six months, suffered great Hardships, by which he lost his health, and since his Return has been at great expence under the care of the Physician in order to recover his health. Your Committee having considered the same beg leave to report as follows:

*Resolved*, That the prayer of the petition be granted, and that there be paid out of the public Treasury of this State the sum of

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> Massachusetts Archives, ccxxvii., 31, 32.



Three Hundred and ninety Pounds, in full compensation for his time and sufferings during his captivity, and all charges that have happened in consequence of the same.

In Council

Read and Concurred. [*Passed April 4.*<sup>1</sup>

## CHAPTER 918.

RESOLVE DIRECTING THE COMMITTEE ON ACCOUNTS TO PASS ALL ACCOUNTS OF BOUNTIES AND MILEAGE REGULARLY EXHIBITED AND PROPERLY VOUCHERED FOR WHICH NO CREDIT IS GIVEN IN ANY TAX-BILL.

WHEREAS many Towns in this State have been deficient in making returns of men raised at different times by order of the General Court, for whom they were to receive bounties, as mentioned in the Resolves for raising said men, which were to be deducted from the then next State-tax: To prevent difficulties that have arisen, or that may arise on that account,

*Resolved*, That the Committee on accounts be and they hereby are directed to pass all accounts of bounties for raising men and accounts of mileage, agreeable to the directions of the General Assembly, that are regularly exhibited and properly avouched, for which no credit has been given in any tax-bill heretofore passed, or the present one now under consideration. [*Passed April 4.*

Legislative  
Records of the  
Council,  
xl., 338.  
Mass.  
Archives,  
ccxxvii., 40.  
Mass.  
Resolves,  
March Session,  
chap. 127.

## CHAPTER 919.

VOTE INSTRUCTING THE COMMITTEE ON THE TAX-BILL TO EXEMPT THE TOWN OF SANDWICH FROM FINES.

THE COMMITTEE of the House appointed to consider what Towns should be exempted from fines in the present tax-bill for not raising men, report as their opinion that the Committee on the tax-bill be instructed not to annex any fines to the Town of Sandwich, for the reasons set forth in the petition of said town.

In the House of Representatives

Read and Accepted

In Council

Read and Concurred. [*Passed April 4.*

Legislative  
Records of the  
Council,  
xl., 338.  
Mass.  
Archives,  
ccxxvii., 35.  
Mass.  
Resolves,  
March Session,  
chap. 123.

Mass.  
Archives,  
ccxxvii., 36.

## CHAPTER 920.

RESOLVE EXEMPTING YARMOUTH, HARWICH AND EASTHAM FROM FINES FOR NOT RAISING MEN IN 1779, UNTIL FURTHER ORDER.

ON THE PETITION of David Thatcher, Solomon Freeman and Barnabas Freeman, in behalf of the towns of Yarmouth, Harwich and Eastham, representing the inability of said towns at present to pay the fines which they have incurred by reason of a failure in not raising their nine months men, agreeable to a Resolve passed June 9th, 1779:

Legislative  
Records of the  
Council,  
xl., 339.  
Mass.  
Archives,  
ccxxvii., 41.  
Mass.  
Resolves,  
March Session,  
chap. 126.

<sup>1</sup> This date is March 28 according to Legislative Records of the Council and Massachusetts Resolves.



Mass.  
Archives,  
ccxxvii., 42.  
*Ante*, p. 44,  
chap. 75.

*Resolved*, That no fines be set upon either of the towns of Yarmouth, Harwich or Eastham in consequence of the failure of those towns in not raising the men required of them respectively by a Resolve of the General Court, passed June 9th, 1779, until the further orders of the General Court. [*Passed April 4.*]

## CHAPTER 921.

Legislative  
Records of the  
Council, xl.,  
339.  
Mass.  
Archives,  
ccxxvii., 43.  
Mass.  
Resolves,  
March Session,  
chap. 122.

RESOLVE GRANTING £12 PER DAY TO THE COMMITTEE TO SETTLE WITH THE ARMY.

*Resolved*, That there be paid out of the public Treasury of this State to the Members appointed by the General Court upon the Committee to settle with this State's proportion of the Continental Army to make good the depreciation of their wages, the sum of Twelve Pounds per day respectively, for their services upon said Committee. [*Passed April 4.*]

## CHAPTER 922.

Legislative  
Records of the  
Council, xl.,  
339.  
Mass.  
Archives,  
ccxxvii., 44.  
Mass.  
Resolves,  
March Session,  
chap. 125.

RESOLVE GRANTING £3,000 TO SAMUEL FREEMAN, ESQ., AS CLERK OF THE HOUSE OF REPRESENTATIVES FROM MAY, 1779 TO MAY, 1780.

*Resolved*, That there be allowed and paid out of the public Treasury to Samuel Freeman, Esq., Three Thousand Pounds, in full for his service as Clerk of the House of Representatives from May 1779 to May 1780. [*Passed April 4.*]

## CHAPTER 923.

Legislative  
Records of the  
Council, xl.,  
339.  
Mass.  
Archives,  
ccxxvii., 45.  
Mass.  
Resolves,  
March Session,  
chap. 124.

RESOLVE GRANTING £4,700 TO JOHN AVERY, JR., ESQ., AS DEPUTY SECRETARY FROM THE 1st OF JAN., 1779 TO THE 1st OF JAN., 1780.

*Resolved*, That there be allowed and paid out of the public Treasury to John Avery, jun. Esq., Four Thousand seven Hundred Pounds, in full for his services as Deputy-Secretary from the 1st of January, 1779 to the 1st of January, 1780. [*Passed April 4.*]

## CHAPTER 924.

Legislative  
Records of the  
Council, xl.,  
340.  
Mass.  
Archives,  
ccxxvii., 46.  
Mass.  
Resolves,  
March Session,  
chap. 121.

RESOLVE GRANTING £360 TO REV. DR. SAMUEL COOPER, AS CHAPLAIN OF THE GENERAL COURT FROM MAY, 1779 TO MAY, 1780.

*Resolved*, That there be allowed and paid out of the public Treasury to the Rev. Dr. [Samuel]<sup>1</sup> Cooper, Three Hundred and sixty Pounds, in full for his service as Chaplain to the General Court from May, 1779 to May, 1780. [*Passed April 4.*]

<sup>1</sup> Province Laws, xx., 598, chap. 484.



## CHAPTER 925.

RESOLVE DIRECTING THE JUDGE OF PROBATE OF SUFFOLK COUNTY TO APPOINT THREE INDIFFERENT DISCREET PERSONS TO APPRAISE THE RENTS OF THE ESTATE OF SAMUEL SEWALL, ESQ., ABSENTEE, NOW IN POSSESSION OF JOHN HEATH, FOR ONE YEAR.

ON THE PETITION of John Heath shewing that he is now in possession of a Farm in Brookline part of the Estate of Samuel Sewall, Esq., an absentee, and that he has hired and occupied said Farm for twenty years and has improved it in such a manner as to obtain the approbation of the several persons who have been the Proprietors during said period . . . Two or three persons from another town . . . giving out that they would purchase the Lease at any price and make their fortune by skinning the place as they term it . . . your Petitioner informs your Honors that he is willing to give such rent for said Farm as any indifferent men shall determine . . . and at a longer term than one year:

*Resolved*, That the prayer of the petition be granted, and that the Judge of Probate for the county of Suffolk be directed to appoint three indifferent discreet persons to apprise the rents of the estate of Samuel Sewall, Esq., an absentee, mentioned in said petition, now in possession of John Heath, for the term of one year, said John Heath paying the same to the Agent, to be disposed of in the same way and manner as though it had been leased at public auction; any law or resolve to the contrary notwithstanding. [Passed April 5.<sup>1</sup>

Legislative  
Records of the  
Council,  
xl., 322.  
Mass.  
Archives,  
ccxxvii., 48.  
Mass.  
Resolves,  
March Session,  
chap. 92.  
Mass.  
Archives,  
ccxxvii., 50.

## CHAPTER 926.

RESOLVE GRANTING £65 TO ISAAC TORREY OF SCITUATE, PENSIONER, WOUNDED IN THE LAST WAR.

ON THE PETITION of Isaac Torrey, of Scituate, in the county of Plymouth [wounded with five balls in the last war],<sup>2</sup> praying for an allowance on his pension for the reasons mentioned in said petition:

*Resolved*, That there be allowed and paid out of the Treasury of this State to the said Isaac Torrey the petitioner, the sum of sixty-five Pounds in full for one year's pension, ending June, 1779. [Passed April 5.

Legislative  
Records of the  
Council,  
xl., 341.  
Mass.  
Archives,  
ccxxvii., 51.  
Mass.  
Resolves,  
March Session,  
chap. 130.  
Mass.  
Archives,  
ccxxvii., 52.

## CHAPTER 927.

RESOLVE REMITTING £1,800 TO THE TOWN OF WORTHINGTON, PART OF A FINE LAID ON SAID TOWN FOR DEFICIENCY OF MEN IN 1779.

ON THE PETITION of Jonathan Brewster, in behalf of the town of Worthington, in the county of Hampshire, setting forth that said town was fined in the last tax-act for a deficiency of four men set on said town by the Resolve of the 9th of June last, and praying that said fine be remitted and whereas it appears said town were deficient but one man: Therefore

*Resolved*, That the fine of Eighteen Hundred Pounds for three men be remitted to said town of Worthington. [Passed April 5.

Legislative  
Records of the  
Council,  
xl., 341.  
Mass.  
Archives,  
ccxxvii., 53.  
Mass.  
Resolves,  
March Session,  
chap. 128.  
Mass.  
Archives,  
ccxxvii., 54, 55.  
Ante, p. 43,  
chap. 75.

<sup>1</sup> This date is March 28 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>2</sup> Massachusetts Archives, ccxxvii., 52.



## CHAPTER 928.

Legislative  
Records of the  
Council,  
xl., 342.  
Mass.  
Archives,  
ccxxvii., 57.  
Mass.  
Resolves,  
March Session,  
chap. 131.

RESOLVE REMITTING A FINE OF £600 LAID ON THE TOWN OF SHIRLEY  
IN 1779 AND GRANTING IT A BOUNTY IN ITS STEAD.

ON THE PETITION of the Selectmen of the town of Shirley, praying for an abatement of a fine of Six Hundred Pounds, set upon said town on failure of raising its full quota of men, agreeable to a Resolve passed June 9th, 1779: Therefore

Mass.  
Archives,  
ccxxvii., 58, 59.  
*Ante*, p. 43,  
chap. 75.

*Resolved*, That the prayer of the petition be granted, and that the aforesaid sum of Six Hundred Pounds be and hereby is remitted to the said town of Shirley accordingly, and that the town of Shirley be intitled to receive the bounty promised by the Resolve aforesaid. [*Passed April 6.*]

## CHAPTER 929.

RESOLVE DIRECTING THE BOARD OF WAR TO MAKE AN ADDITIONAL  
ALLOWANCE OF 12s. PER POUND TO SAMUEL BROWN, A COMMISSARY  
OF THE PENOBSCOT EXPEDITION, FOR BEEF, HIDES AND  
TALLOW DELIVERED THE COMMISSARY-GENERAL.

Legislative  
Records of the  
Council,  
xl., 342.  
Mass.  
Archives,  
ccxxvii., 63.  
Mass.  
Resolves,  
March Session,  
chap. 133.  
Mass.  
Archives,  
ccxxvii., 64.

WHEREAS Samuel Brown, of Boothbay, was appointed by Gen. [Solomon]<sup>1</sup> Lovell a Commissary to purchase cattle for the use of the army upon the Penobscot expedition, and with his own property purchased thirty-seven barrels of beef more than was necessary for the use of the Army aforesaid, which thirty-seven barrels of beef, with Eighteen Hundred and fifty-five Pounds of hides, and Two Hundred and sixty-four Pounds of tallow, said Brown has delivered to [Richard Devens, Esq.,]<sup>2</sup> the Commissary-General of this State, and it appears that said Brown in his settlement with the Board of War received only five Shillings per pound for the said beef, hides, and tallow, which is twelve Shillings per pound less than the price of beef, hides and tallow was at the time of the delivery aforesaid: Therefore

*Resolved*, That the Board of War be and they hereby are directed to allow the said Samuel Brown twelve Shillings per pound, in addition to the five Shillings above mentioned, for the said thirty-seven barrels of beef, Eighteen Hundred and fifty-five pounds of hides and Two Hundred and sixty-four Pounds of tallow, so delivered by him to the Commissary-General of this State. [*Passed April 6.*]

## CHAPTER 930.

RESOLVES GRANTING £2,064 TO STEPHEN PARKER AND £1,806 TO  
JAMES CHAFEY FOR SUNDRY ARTICLES SUPPLIED COL. ALLAN  
AT MACHIAS, THE SAME TO BE CHARGED TO THE UNITED  
STATES.

Legislative  
Records of the  
Council,  
xl., 343.  
Mass.  
Archives,  
ccxxvii., 66.  
Mass.  
Resolves,  
March Session,  
chap. 132.

ON THE PETITION of Alexander Campbell, Agent to Col. John Allen [Allan],<sup>3</sup> praying for allowance for sundry articles supplied Col. Allen [Allan]<sup>3</sup> the winter past, by Mr. Stephen Parker and James Chafey: Therefore

*Resolved*, That the prayer of said petition be so far granted, that there be paid out of the public Treasury of this State, to Mr.

<sup>1</sup> *Ante*, p. 104, chap. 199.

<sup>2</sup> *Ante*, p. 337, chap. 734.

<sup>3</sup> Massachusetts Archives, cxliv., 444.



Stephen Parker, Two Thousand and sixty-four Pounds, in full of said Parker's account. Also

Mass.  
Archives,  
ccxxvii., 67-73.

*Resolved*, That there be paid out of the public Treasury of this State to Mr. James Chafey, the sum of One Thousand eight Hundred and six Pounds in full of said Chafey's account, the said sums to be charged to the United States. [*Passed April 6.*]

## CHAPTER 931.

RESOLVE REQUESTING THE COUNCIL TO ISSUE THEIR WARRANT ON THE ROLLS EXHIBITED BY LIEUT. THOMAS ABBOT FOR SERVICE OF TROOPS DETACHED FROM BERWICK AND LEBANON IN THE PENOBSCOT EXPEDITION.

*Resolved*, That the Honorable the Council be and hereby are requested, to issue their warrant on the rolls exhibited by Lieut. Thomas Abbot, for the service of the troops that were detached from Berwick and Lebanon, under the command of Capt. John Goodwin, on the expedition at Penobscot, payable to Col. Joseph Prime, he giving his receipt therefor, and stand accountable for said money until said Abbot and men fully comply with a Resolve of this Court, making provision for recovering the fire-arms delivered at Penobscot, passed the 31st day of December 1779, any law or usage to the contrary notwithstanding. [*Passed April 7.*]<sup>1</sup>

Legislative  
Records of the  
Council,  
xl., 340.  
Mass.  
Archives,  
ccxxvii., 47.  
Mass.  
Resolves,  
March Session,  
chap. 129.

*Ante*, p. 330,  
chap. 711.

## CHAPTER 932.

RESOLVE GRANTING £900 TO SAMUEL BARRETT, ESQ., FOR DISTRIBUTING COPIES OF THE DOINGS OF THE CONSTITUTIONAL CONVENTION.

Legislative  
Records of the  
Council,  
xl., 344.  
Mass.  
Archives,  
ccxxvii., 74.  
Mass.  
Resolves,  
March Session,  
chap. 138.

ON THE MEMORIAL of Samuel Barrett, Chairman of the Committee appointed by the convention for framing a new constitution of civil government for this State:

*Resolved*, That there be paid out of the public Treasury of this State to Samuel Barrett, Esq., or order, Nine Hundred Pounds, for the purpose of distributing copies of the doings of the convention<sup>2</sup> to the several towns within this State by expresses, agreeably to a resolution of said convention, he to be accountable for the same. [*Passed April 7.*]

Mass.  
Archives,  
ccxxvii., 75.

## CHAPTER 933.

RESOLVE CONTINUING SUPPLIES TO THE FAMILIES OF CONTINENTAL SOLDIERS AS LONG AS THEY REMAIN IN THE ARMY.

Legislative  
Records of the  
Council,  
xl., 344.  
Mass.  
Archives,  
ccxxvii., 77.

WHEREAS it is represented to this Court that doubts have arisen whether the supplies to the Continental Soldiers families should be continued after the 1st of January last:

<sup>1</sup> This date is April 5 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>2</sup> A CONSTITUTION OR FRAME OF GOVERNMENT, Agreed upon by the DELEGATES of the People of the State of MASSACHUSETTS-BAY, IN CONVENTION, Begun and held at Cambridge on the First of September, 1779, AND Continued by Adjournments to the Second of March, 1780, To be submitted to the Revision of their Constituents, in Order to the completing of the same, in Conformity to their Amendments, at a Session to be held for that Purpose, on the First Wednesday in June next ensuing. BOSTON: STATE OF MASSACHUSETTS BAY, Printed by BENJAMIN EDES & SONS, in State-Street, M,DCC,LXXX.



Mass.  
Resolves,  
March Session,  
chap. 139.

*Resolved*, That the families of all Continental Soldiers whose times are not expired, for which they enlisted, or shall enlist during the war, shall be supplied so long as they shall remain in the Army, agreeable to former Resolves of the General Court for that purpose. And the Secretary is directed to publish this Resolve in the Boston and Worcester newspapers. [*Passed April 7.*]

## CHAPTER 934.

RESOLVE DIRECTING THE COMMITTEE TO SETTLE WITH THE ARMY TO CONSIDER ALL OFFICERS AND SOLDIERS OF THIS STATE'S QUOTA SERVING IN THE LIGHT DRAGOONS IN THE SAME MANNER AS ALL OTHERS BELONGING TO THIS STATE.

Legislative  
Records of the  
Council,  
xl., 344.  
Mass.  
Archives,  
ccxxvii., 76.  
Mass.  
Resolves,  
March Session,  
chap. 141.

WHEREAS divers applications have been made to the Committee authorized to settle with the army, by persons who have served three years in the Continental Army, in one of the regiments of light-dragoons, for their depreciation money, but the Committee do not think themselves authorized to consider them as part of this State's quota of the Continental Army:

*Resolved*, That the Committee now settling with the army be and they hereby are directed to consider all officers and soldiers, who shall make it appear that they have served three years, or that they are engaged during the war, as part of this State's quota of the Continental Army, in either of the regiments of light dragoons, in the same manner that they do other officers and soldiers of the army belonging to this State, and make them up accordingly. [*Passed April 7.*]

## CHAPTER 935.

RESOLVE DIRECTING THE COMMISSARY-GENERAL AND THE KEEPERS OF THE POWDER MILLS TO DISCONTINUE THE DELIVERY OF POWDER ACCORDING TO THE RESOLVE OF OCTOBER 18, 1776.

Legislative  
Records of the  
Council,  
xl., 345.  
Mass.  
Archives,  
ccxxvii., 78.  
Mass.  
Resolves,  
March Session,  
chap. 135.

WHEREAS the General Court did by a Resolve of the 18th of October 1776 direct [Richard Devens, Esq.,]<sup>1</sup> the Commissary-General and the keepers of the gun-powder-mills in this State to deliver under certain restrictions to the several towns in the State, powder at five Shillings per pound: And whereas it is at present inexpedient to deliver any more powder agreeable to the Resolve aforesaid: Therefore

*Resolved*, That the Commissary-General and the keepers of the several powder-mills belonging to this State be directed and they are hereby accordingly directed to discontinue delivering any powder agreeable to the Resolve of the 18th of October 1776, until the further order of this Court. And the Secretary is directed to furnish the said Commissary, and also each of the keepers of said powder-mills with a copy of this Resolve. [*Passed April 7.*]

<sup>1</sup> *Ante*, p. 337, chap. 734.

Province  
Laws, xix., 460,  
chap. 80.  
*Ibid.* xx., 36,  
chap. 74.



## CHAPTER 936.

RESOLVE DIRECTING THE BOARD OF WAR TO SEND THIRTY BARRELS OF PORK AND BEEF TO COL. ALLAN AS A SUPPLY FOR THE TRUCK HOUSE AND INDIANS AT MACHIAS.

Legislative  
Records of the  
Council,  
xl., 347.  
Mass.  
Archives,  
cxxxvii., 82.  
Mass.  
Resolves,  
March Session,  
chap. 134.

ON THE PETITION of Col. Alexander Campbell, in behalf of Col. John Allen [Allan],<sup>1</sup> praying for a supply of pork and beef for the Truck-house and Indians at Machias:

*Resolved*, That the Board of War be and they hereby are directed to send to Col. John Allen [Allan],<sup>1</sup> thirty barrels of pork and beef as a supply for the Truck-house and Indians at Machias. [*Passed April 7.*]

Mass.  
Archives,  
cxxxvii., 83.

## CHAPTER 937.

RESOLVE GRANTING £19. 2s. 6d. TO CAPT. JOSHUA WOODBRIDGE FOR ENDEAVORING TO RECOVER ADAM HOLLIS, WHO DESERTED FROM HIS COMPANY.

ON THE PETITION of Capt. Joshua Woodbridge, setting forth that he expended the sum of nineteen Pounds two Shillings and six Pence, in endeavouring to recover one Adam Hollis, a soldier that deserted from his company, and praying the same may be repaid to him:

*Resolved*, That the prayer of said petition be granted, and that there be paid out of the Treasury of this State, the sum of nineteen Pounds two Shillings and six Pence, to Capt. Joshua Woodbridge, for the reasons set forth in the said petition. [*Passed April 7.*]

Legislative  
Records of the  
Council,  
xl., 347.  
Mass.  
Resolves,  
March Session,  
chap. 136.

## CHAPTER 938.

RESOLVE DIRECTING THE COMMITTEE TO SETTLE WITH THE ARMY TO SETTLE WITH COL. JOSHUA DAVIS FROM JAN. 1, 1777, TO JULY 8, 1779, ALLOWING HIM THE PAY OF A LIEUTENANT-COLONEL.

Legislative  
Records of the  
Council,  
xl., 347.  
Mass.  
Archives,  
cxxxvii., 84.  
Mass.  
Resolves,  
March Session,  
chap. 137.

ON THE PETITION of Col. Joshua Davis:

*Resolved*, That the Committee appointed to settle with this State's quota of the Continental Army be and they hereby are directed to settle with the said Joshua Davis from the 1st day of January, 1777 to the 8th day of July, 1779, allowing him the pay of a Lieutenant-Colonel, and give him a certificate to the Honorable Council for the ballance that may be due to him on account of the depreciation. [*Passed April 7.*]

Mass.  
Archives,  
cxxxvii., 85.

## CHAPTER 939.

RESOLVE PERMITTING RICHARD CRANCH, ESQ., TO LEASE OUT AT PUBLIC AUCTION THE DWELLING HOUSE AND PART OF THE LAND IN THE TOWN OF BRAINTREE LATELY BELONGING TO JOHN BORLAND, ESQ., ABSENTEE, DECEASED.

ON THE MEMORIAL of Richard Cranch, Esq., shewing, that on a Petition in January last, a Resolve passed empowering him to take into his possession and improvement, under certain restrictions, the

Legislative  
Records of the  
Council,  
xl., 347.

<sup>1</sup> Massachusetts Archives, cxliv., chap. 716.



Mass.  
Archives,  
ccxxvii., 81.  
Mass.  
Resolves,  
March Session,  
chap. 140.

Mass.  
Archives,  
ccxxvii., 80.  
Province  
Laws, xx., 620,  
chap. 532.  
*Ante*, p. 329,  
chap. 708.

dwelling house and part of the land in the town of Braintree, lately belonging to John Borland, Esq., an absentee, deceased.

That contrary to your Memorialists expectation, a large number of the inhabitants of said town of Braintree are uneasy and dissatisfied at not having the said Estate least at public auction agreeable to a Resolve of the General Court passed February the 19th, 1779.

And as your Memorialist would by no means take possession of said Estate, in a way that might give the least umbrage for a supposition of partiality in the Honourable Court in his favour, he therefore humbly prays that a Resolve may be passed empowering him to lease out said house and land at public auction for the ensuing year agreeable to said Resolve of February the 19th, 1779, the Resolve of January last to the contrary notwithstanding:

*Resolved*, That the prayer of the Memorial be granted, and that he be permitted to lease out the within Mentioned premises, at public auction, for the term of one year, agreeable to a Resolve of February 19th, 1779, the Resolve of January, 1780, notwithstanding. [*Passed April 7.*]

## CHAPTER 940.

RESOLVE ENTITLING ALL AIDES-DE-CAMP, BRIGADE-MAJORS, CHAPLAINS, FIELD-COMMISSARIES AND ENGINEERS NOT IN THE LINE DOING DUTY IN CAMP TO DEPRECIATION OF THEIR WAGES IN THE SAME MANNER AS THOSE IN THE FIFTEEN BATTALIONS.

Legislative  
Records of the  
Council,  
xl., 348.  
Mass.  
Archives,  
ccxxvii., 87.  
Mass.  
Resolves,  
March Session,  
chap. 147.

*Resolved*, That all Aids de Camp, Brigade-Majors and Chaplains, Field-Commissaries of military stores and Engineers, who are not in the line, and belong to and are reckoned as part of this State's quota of the Continental Army, and have been doing duty in camp, and are not discharged, are entitled to have the depreciation of their wages made good to them according to the ranks they hold in the staff, and no other, in the same manner as the officers of the fifteen battalions are made good, agreeable to the several Resolves of the General Court for that purpose, and the Committee appointed by said Court to settle with the army are hereby directed to make them up accordingly. [*Passed April 8.*]

## CHAPTER 941.

RESOLVE REMITTING A FINE OF £1,200 LAID ON THE TOWN OF FOXBOROUGH FOR A DEFICIENCY OF TWO MEN IN JUNE, 1779.

Legislative  
Records of the  
Council,  
xl., 348.  
Mass.  
Archives,  
ccxxvii., 88.  
Mass.  
Resolves,  
March Session,  
chap. 146.

ON THE PETITION of John Everett, in behalf of the town of Foxborough, praying for the abatement of a fine of Twelve Hundred Pounds set on said town for a deficiency of two men ordered by the Resolve of June 9th 1779: And whereas it appears that the said town were not deficient: Therefore

*Resolved*, That the fine of Twelve Hundred Pounds set on said town in the last tax-act be remitted to said town of Foxborough. [*Passed April 8.*]

Mass.  
Archives,  
ccxxvii., 89, 90.  
*Ante*, p. 43,  
chap. 75.



## CHAPTER 942.

RESOLVE ABATING £800 PART OF A FINE LAID ON THE TOWN OF MARLBOROUGH FOR DEFICIENCY OF MEN IN 1779.

Legislative  
Records of the  
Council,  
xl., 349.  
Mass.  
Archives,  
ccxxvii., 91.  
Mass.  
Resolves,  
March Session,  
chap. 144.

ON THE PETITION of the Selectmen of the town of Marlborough, setting forth that said town was fined in the last tax the sum of Twenty-four Hundred Pounds for a deficiency of four men which they were required to raise by a Resolve passed June 9th, 1771 [1779]<sup>1</sup>:

*Resolved*, That the prayer of the petition be so far granted as that there be allowed and paid out of the public Treasury the sum of Eight Hundred Pounds to the town of Marlborough, in part of the fine above mentioned. [*Passed April 8.*]

Mass.  
Archives,  
ccxxvii., 91½,  
92. *Ante*, p. 43,  
chap. 75.

## CHAPTER 943.

RESOLVE DIRECTING THE BOARD OF WAR TO PAY £6,336 TO JOHN GREENOUGH FOR THE LOSS OF HIS SCHOONER SEAFLOWER IN A VOYAGE TO VIRGINIA FOR FLOUR FOR THIS STATE.

ON THE PETITION of John Greenough, of Wellfleet, in the county of Barnstable, praying that he may have the pay of a certain schooner, called the Sea-Flower, which the Board of War for this State hired of said Greenough in March, 1779, for a voyage to Virginia for flour for the use of this State, which schooner was destroyed by the enemy, as is fully set forth in the petition:

*Resolved*, That the Board of War for this State be and hereby are directed to pay to the said John Greenough the sum of Six Thousand three Hundred and thirty-six Pounds, in full for his loss and damages. [*Passed April 8.*]

Legislative  
Records of the  
Council,  
xl., 349.  
Mass.  
Archives,  
ccxxvii., 93.  
Mass.  
Resolves,  
March Session,  
chap. 145.

Mass.  
Archives,  
cxlii., 188;  
ccxxvii., 94.

## CHAPTER 944.

RESOLVE REMITTING A FINE OF £600 LAID ON THE TOWN OF MEDFORD FOR DEFICIENCY IN MEN IN JUNE, 1779, AND ALLOWING A BOUNTY OF £120 IN ITS STEAD.

ON THE PETITION of the Selectmen of the town of Medford, praying for an abatement of a fine of Six Hundred Pounds laid on said town in the last tax for not raising its complement of nine months men, required by a Resolve passed June 9th, 1779, and also for an allowance of the One Hundred and twenty Pounds bounty due for each man raised agreeable to said Resolve: And whereas the said town of Medford raised its full quota of men: Therefore

*Resolved*, That the prayer of the petition be granted, and that the sum of Six Hundred Pounds be remitted to the said town of Medford accordingly; and also that the further sum of One Hundred and twenty Pounds be allowed and paid out of the public Treasury of this State to the said town of Medford in full. [*Passed April 8.*]

Legislative  
Records of the  
Council,  
xl., 349.  
Mass.  
Archives,  
ccxxvii., 97.  
Mass.  
Resolves,  
March Session,  
chap. 143.

Mass.  
Archives,  
ccxxvii., 98.  
*Ante*, p. 43,  
chap. 75.

<sup>1</sup> Massachusetts Archives, ccxxvii., 91.



## CHAPTER 945.

Legislative  
Records of the  
Council,  
xl., 350.  
Mass.  
Archives,  
ccxxvii., 100.  
Mass.  
Resolves,  
March Session,  
chap. 142.

Mass.  
Archives,  
ccxxvii., 101.

RESOLVE DIRECTING THE COMMISSARY OF PRISONERS TO FURNISH KATHERINE KNIGHT, A PRISONER, ONE POUND OF BREAD AND ONE POUND OF MEAT A DAY UNTIL FURTHER ORDER AND TO SEND HER OFF IN THE FIRST CARTEL.

ON THE PETITION of Katharine Knight, a prisoner:

*Resolved*, That the Commissary of prisoners be and he is hereby directed to provide for Katharine Knight, a prisoner, one pound of bread, and one pound of meat per day, until the further order of this Court; and the said Commissary is also directed to send off said Katharine in the first cartel. [*Passed April 8.*]

## CHAPTER 946.

RESOLVE EMPOWERING JAMES PRESCOTT, ESQ., TO LEASE OUT THE ESTATE OF SAMUEL TARBELL OF GROTON, ABSENTEE.

Legislative  
Records of the  
Council,  
xl., 350.  
Mass.  
Archives,  
ccxxvii., 102.  
Mass.  
Resolves,  
March Session,  
chap. 153.

Province  
Laws, xx., 385,  
chap. 998.

WHEREAS this State by [Perez Morton, Esq.,]<sup>1</sup> their Attorney did in the year 1778 put in suit one certain obligation and recovered a judgment of court against Samuel Tarbell, then of Groton (since fled to the enemy) for the forfeiture of the penalty mentioned in said obligation, and have since levied execution upon some real estate to satisfy said judgment, which real estate consisting of some land and buildings are now become the property of this State, and no person authorized to take care of the same: Therefore

*Resolved*, That James Prescott, Esq., be and he is hereby appointed and fully impowered to lease out for one year, ending the 1st day of April, 1781, the aforementioned lands and buildings for the most they will fetch, and to call upon any person or persons for any money justly due to said State for the past improvement of said estate (if any there be) and to pay in all such sums of money as he may receive to [Henry Gardner, Esq.,]<sup>2</sup> the Treasurer of this State, taking duplicate receipts therefor, and lodge one of said receipts in the Secretary's office. [*Passed [April 10.]*]<sup>3</sup>

## CHAPTER 947.

RESOLVES LAYING AN EMBARGO ON BEEF AND PORK, EITHER ON HOOF OR IN BARREL, MOLASSES, RUM OR SALT EXCEPT REASONABLE SEA STORES AND SUCH AS MAY HAVE BEEN PURCHASED FOR THE USE OF THE CONTINENTAL ARMY IN PURSUANCE OF CONCURRENT RESOLUTIONS OF CONGRESS AND THE GENERAL ASSEMBLY.

Legislative  
Records of the  
Council,  
xl., 345.  
Mass.  
Archives,  
ccxxvii., 103.  
Mass.  
Resolves,  
March Session,  
chap. 154.

WHEREAS the General Assembly of this State are earnestly called upon by Congress to furnish large quantities of beef, pork, salt and rum, for the use of the Army of the United States in the ensuing campaign:

In order therefore that nothing may be wanting on the part of this State that may be necessary for the support of the said Army at this important period of the war, and to put the same in readi-

<sup>1</sup> Province Laws, xx., 385, chap. 998.

<sup>2</sup> *Ante*, p. 337, chap. 734.

<sup>3</sup> This date is April 10 according to Legislative Records of the Council, Massachusetts Resolves and the heading of Massachusetts Archives, ccxxvii., 102, though signed at end March 10, evidently an error.



ness for the most vigorous operation, in conjunction with the allies of the said United States:

Province  
Laws, v., 1114,  
chap. 13.

*Resolved*, That no beef or pork, either on hoof or in barrel, nor any molasses, rum or salt (except reasonable sea stores) be suffered to be transported out of this State by land or water on any account or pretence whatever, unless it be such as may have been purchased for the use of the said Army in pursuance of the concurrent resolutions of Congress and the General Assembly. And to the end that this Resolution may be duly and strictly observed, it is further

*Resolved*, That all the powers vested in the Selectmen or Committees of Correspondence of the Towns and Plantations within this State, by an Act passed in the year of our Lord 1779, intituled, "An Act to prevent sundry articles being exported from this to the neighbouring States," and all directions therein given to them and to [Robert Treat Paine, Esq.,]<sup>1</sup> the State's Attorney, or any person appointed to act under him, and also all the powers in and by the said Act vested in the Courts of General Sessions of the Peace, so far as such powers and directions respect any or either of the articles aforementioned, shall be and remain in full force until the 31st day of December, next ensuing, any limitation of time contained in the aforementioned Act to the contrary notwithstanding. And it is further

*Resolved*, That when any team shall be loaded with beef, pork, salt, molasses or rum, or any horned cattle or swine shall be driving to be transported out of this State for the use of the Army, the teamer or driver shall have a certificate under the hand of such person or persons as shall hereafter be appointed by the General Assembly of this State to purchase provisions for the Army, that such beef, pork, salt, molasses or rum, and such herds of cattle or swine have been purchased and are transporting for the use of the Army of the United States; and upon such certificate being produced (if required) to any of the Selectmen or Committees aforesaid, the said team or drove shall be suffered to proceed without any let or hindrance, any thing in the aforesaid Act notwithstanding. And it is further

*Resolved*, That if it shall hereafter appear that any of the articles aforementioned had been transported out of this State, contrary to the true intent and meaning of this Resolve, the owner, or any person carrying the same, shall forfeit the value of such goods, cattle or swine, to be recovered by a special action of the case in any Court proper to try the same, agreeably to the direction in the Act aforesaid. And all civil officers within this State are hereby strictly enjoined to use their utmost exertions for the effectual execution of the foregoing Resolve. [Passed April 10.<sup>2</sup>

## CHAPTER 948.

RESOLVE ENTITLING THE OFFICERS AND SOLDIERS UNDER JEDUTHUN BALDWIN, ENGINEER AND COLONEL OF ARTIFICERS IN THE CONTINENTAL ARMY, THAT ARE PART OF THIS STATE'S QUOTA, TO DEPRECIATION OF THEIR WAGES THE SAME AS THOSE OF THE FIFTEEN BATTALIONS.

ON THE PETITION of Jeduthun Baldwin, Engineer and Colonel of artificers in the Continental Army:

Legislative  
Records of the  
Council,  
xl., 351.

*Resolved*, That all officers and non-commissioned officers and

<sup>1</sup> Province Laws, xx., 587, chap. 445.

<sup>2</sup> This date is same in Massachusetts Resolves, but April 7 according to Legislative Records of the Council.



Mass.  
Archives,  
ccxxvii., 109.  
Mass.  
Resolves,  
March Session,  
chap. 149.

Mass.  
Archives,  
ccxxvii., 110.

soldiers, belonging to this State, and who belong to the Corps of artificers, under the command of said Jeduthan Baldwin, commissioned and inlisted since the 16th day of September, 1776, for three years or during the war, or who shall hereafter be commissioned and inlisted, not being part of the fifteen battalions, shall according to resolutions of Congress of March 15th, November 12th and 16th, 1779, be considered as part of this State's quota, and shall be intitled to be made up for the depreciations of their wages, upon their original establishment, and the Committee for settling with the army are directed to make them up accordingly. [*Passed April 10.*]

## CHAPTER 949.

RESOLVES PROVIDING RATIONS FOR THE TROOPS TO DEFEND THE EASTERN PARTS AND IF FLOUR CANNOT BE HAD, RYE AND INDIAN BREAD TO BE SUBSTITUTES.

Legislative  
Records of the  
Council,  
xl., 352.  
Mass.  
Archives,  
ccxxvii., 111.  
Mass.  
Resolves,  
March Session,  
chap. 151.

*Ante*, p. 397,  
chap. 863; p. 412,  
chap. 893.

WHEREAS it is necessary that the troops lately ordered to defend the Eastern part of this State should know what their ration shall consist of, and no provision is made therefor in the Resolve for raising said men: It is therefore

*Resolved*, That the ration for said troops shall consist of the same articles as those the troops of the Continental Army are intitled to. It is further

*Resolved*, That if flour cannot be procured, that one pound and an half of rye and Indian bread, if to be had, if not, the same quantity of Indian bread be substituted in lieu of one pound of flour. [*Passed April 10.*]

## CHAPTER 950.

Legislative  
Records of the  
Council,  
xl., 353.  
Mass.  
Archives,  
ccxxvii., 105.  
Mass.  
Resolves,  
March Session,  
chap. 153.

Mass.  
Archives,  
ccxxvii., 106.  
*Ante*, p. 411,  
chap. 894.

RESOLVE PUTTING THE CORPS UNDER COMMAND OF NATHANIEL HEATH AND LEMUEL CLAP UPON THE SAME ESTABLISHMENT AS THOSE DETACHED BY A RESOLVE OF MARCH 29<sup>TH</sup> LAST.

ON THE PETITION of Nathaniel Heath and Lemuel Clap, praying that the corps under their command may be put upon the same establishment with those ordered to be detached by a Resolve of the 29th of March last, for the reasons set forth in their petition: Therefore

*Resolved*, That the aforesaid corps, both officers and men, be upon the same establishment with the aforesaid detachment now ordered to be raised from and after the 1st of April instant. [*Passed April 10.*]

## CHAPTER 951.

RESOLVE DISCHARGING COL. THOMAS MARSHALL OF \$35,400, THE BOUNTY PAID 118 MEN ENLISTING DURING THE WAR.

Legislative  
Records of the  
Council,  
xl., 353.  
Mass.  
Archives,  
ccxxvii., 107.  
Mass.  
Resolves,

ON THE PETITION of Col. Thomas Marshall, requesting a settlement of his account relative to his paying one Hundred and eighteen men, inlisted during the war, their bounty of Three Hundred Dollars each, which money he received from the Committee of this State:

*Resolved*, That Col. Thomas Marshall be and hereby is dis-



charged of the sum of Thirty-five Thousand four Hundred Dollars, for the bounty paid one Hundred and eighteen men, as appears by his return on file in the Secretary's office. [*Passed April 10.*]

March Session,  
chap. 150.  
Mass.  
Archives,  
ccxxvii., 108.

## CHAPTER 952.

RESOLVE GRANTING £36 TO CAPT. JOSEPH LIVERMORE AND £25 TO LIEUT. ASAHIEL BILLING, ADDITIONAL TO THEIR PAY, WHILE DOING DUTY AT THE BARRACKS AT RUTLAND, TO BE CHARGED TO THE UNITED STATES.

ON THE PETITION of Capt. Joseph Livermore and Lieut. Asahiel Billing, praying for an additional allowance to their pay, while doing duty at the barracks at Rutland:

*Resolved*, That the prayer of the petition be granted, and there be paid out of the Treasury of this State to Capt. Joseph Livermore the sum of thirty-six Pounds in full for said service, and to Lieut. Billing the sum of twenty-five Pounds in full for his service; the said sums to be charged to the United States. [*Passed April 10.*]

Legislative  
Records of the  
Council,  
xl., 354.  
Mass.  
Resolves,  
March Session,  
chap. 156.

## CHAPTER 953.

RESOLVE DIRECTING THE NAVAL OFFICER OF THE PORT OF BOSTON TO CLEAR OUT THE SCHOONER DOVE, THOMAS FLYNN MASTER, FOR PHILADELPHIA, WITH SUGAR SHIPPED BY JOHN BRADFORD, ESQ., CONTINENTAL AGENT.

ON THE PETITION of William Powell, praying for liberty to clear out the Schooner Dove with thirty-six hogsheads of sugar for Philadelphia:

*Resolved*, That the prayer of the said petition be granted, and [Nathaniel Barber, Esq.,]<sup>1</sup> the Naval-Officer for the port of Boston be and hereby is authorized and directed to clear out on board the schooner Dove, Thomas Flynn master, for the State of Pennsylvania, thirty-six hogsheads of sugar, shipped by John Bradford, Esq., Continental Agent, on account of the United States, the said John Bradford making oath that the thirty-six hogsheads of sugar are the property of the United States. [*Passed April 11.*]<sup>2</sup>

Legislative  
Records of the  
Council,  
xl., 354.  
Mass.  
Archives,  
ccxxvii., 112.  
Mass.  
Resolves,  
March Session,  
chap. 148.  
Mass.  
Archives,  
ccxxvii., 113.

## CHAPTER 954.

RESOLVE DIRECTING THE MUSTER MASTERS IN THE SEVERAL COUNTIES TO MUSTER ALL ARTIFICERS PRESENTED TO THEM, PAY THE BOUNTY AND MAKE RETURN TO THE SECRETARY'S OFFICE IN THE SAME MANNER AS THOSE ENLISTED FOR THE OTHER BATTALIONS.

WHEREAS by a Resolve of Congress all Artificers who are inlisted during the war shall be considered as a part of the quota of the State where they belong: Therefore

*Resolved*, That the Muster-Masters in the several Counties in this State be and they hereby are directed to muster all Artificers presented to them for that purpose, inlisted as aforesaid; provided

Legislative  
Records of the  
Council,  
xl., 355.  
Mass.  
Archives,  
ccxxvii., 114.  
Mass.  
Resolves,  
March Session,  
chap. 159.

<sup>1</sup> *Ante*, p. 333, chap. 716.

<sup>2</sup> This date is April 10 according to Legislative Records of the Council and Massachusetts Resolves.



they judge them of sufficient ability of body, and pay the bounty and make return of their names to the Secretary's office in the same manner as they are directed with respect to those who are enlisted into the other battalions raising by this State. [*Passed April 11.*]

## CHAPTER 955.

RESOLVE NULLIFYING A DEED OF 80 ACRES OF LAND GIVEN IN 1765 BY JOSIAH NOYES OF FALMOUTH, CUMBERLAND COUNTY, COLLECTOR OF THE PROVINCE TAXES, TO WILLIAM TYNG, THEN SHERIFF OF CUMBERLAND COUNTY, BUT NOW AN ABSENTEE WITH THE ENEMY AT NEW YORK.

Legislative  
Records of the  
Council,  
xl., 355.  
Mass.  
Archives,  
ccxxvii., 118.  
Mass.  
Resolves,  
March Session,  
chap. 158.

Mass.  
Archives,  
ccxxvii., 119-  
122.

ON THE PETITION of Josiah Noyes of Falmouth, in the County of Cumberland, shewing, that the said Josiah was Collector for the province tax in said Falmouth for the year 1765, and that William Tyng, late of said Falmouth, now an absentee with the enemy at New York, was then Sheriff of said County; that by reason of many obstructions and difficulties, did not compleat his collection till said Tyng had received a warrant from [Harrison Gray, Esq.,]<sup>1</sup> the then Treasurer for the money, whose severity on the petitioner was very great, and threatened to commit him unless he would give him an absolute deed of eighty acres of land, refusing other security, which the petitioner at that time was obliged to comply with, but promising to re-convey said land on the payment of the money, which the petitioner has (since the departure of the said Tyng) paid [Henry Gardner, Esq.,]<sup>2</sup> the present Treasurer in full for said taxes, as will appear by the Treasurer's receipt, and also a memorandum in writing under the hand of said Tyng, with respect to re-conveying said land on payment of said money, and the papers accompanying this petition, may more fully appear, he prays he may be put in full possession of said land again, or otherwise relieved, as your honours see meet for reasons set forth in said petition: Therefore

*Resolved*, That the aforesaid deed of eighty acres of land be forever hereafter null and void, and the said Noyes be put in full possession of the said land in fee, the same as if said deed had never been given. [*Passed April 11.*]

## CHAPTER 956.

RESOLVE GRANTING A LOAN OF \$100,000 TO THOMAS CHASE, ESQ., DEPUTY QUARTERMASTER GENERAL.

Legislative  
Records of the  
Council,  
xl., 352.  
Mass.  
Archives,  
ccxxvii., 126.  
Mass.  
Resolves,  
March Session,  
chap. 152.

Mass.  
Archives,  
ccxxvii., 127.

ON THE PETITION of Thomas Chase, Esq., D.Q.M.G. praying for the loan of a sum of money:

*Resolved*, That there be allowed and paid out of the Treasury of this State to Thomas Chase, D.Q.M.G. One Hundred Thousand Dollars, out of the Continental money now in the same, said Chase to be accountable for and repay the same into the Treasury of this State, that it may be replaced to the Continental money remaining there. [*Passed April 12.*]<sup>3</sup>

<sup>1</sup> Province Laws, xviii., 18, chap. 27.

<sup>2</sup> *Ante*, p. 337, chap. 734.

<sup>3</sup> This date is April 10 according to Legislative Records of the Council and Massachusetts Resolves.



## CHAPTER 957.

RESOLVE ALLOWING THE ACCOUNTS OF WILLIAM LITHGOW, TREASURER OF THE COUNTY OF LINCOLN, FROM JUNE, 1777, TO JUNE, 1779.

ON THE ACCOUNTS of William Lithgow, Treasurer of the County of Lincoln:

Whereas it appears upon examination of the County Treasurer's accounts for the County of Lincoln, that all the monies granted and allowed by the General Sessions of the Peace for said County, from June, 1777 to June, 1779, were for such purposes and appropriations as the law impowered the said Court to grant, and the ballance due to said Treasurer, being the sum of eighteen Shillings and nine Pence; he the said Treasurer to account for the outstanding debts, amounting to the sum of thirty-eight Pounds eleven Shillings: Therefore

*Resolved*, That the said accounts be allowed. [*Passed April 12.*]

Legislative  
Records of the  
Council,  
xl., 357.  
Mass.  
Archives,  
ccxxvii., 125.  
Mass.  
Resolves,  
March Session,  
chap. 163.

## CHAPTER 958.

RESOLVE REMITTING £1,800, PART OF A FINE LAID ON THE TOWN OF OXFORD FOR DEFICIENCY OF MEN IN JUNE, 1779.

THE COMMITTEE on the petition of the Selectmen of the Town of Oxford, praying that the fine of Three Thousand Pounds set on said Town for their deficiency of five men called for by the Resolve of June the 9th, 1779, find that the Town of Oxford have three men in the Continental Army for which they have no credit: Therefore

*Resolved*, That Eighteen Hundred Pounds, a part of the Three Thousand [Pounds] abovesaid be remitted to the Town of Oxford. [*Passed April 12.*]

Legislative  
Records of the  
Council,  
xl., 357.  
Mass.  
Archives,  
ccxxvii., 123.  
Mass.  
Resolves,  
March Session,  
chap. 162.  
Mass.  
Archives,  
ccxxvii., 124.  
*And*, p. 44,  
chap. 75.

## CHAPTER 959.

RESOLVE EMPOWERING THE ADMINISTRATORS OF THE ESTATE OF DAVID INGERSOLL, SR., LATE OF GREAT BARRINGTON, DECEASED, TO MAKE SALE OF PART OF THE REAL ESTATE IN ORDER TO REDEEM MORTGAGED LAND AND PAY REMAINING DEBTS.

*Resolved*, That William Whiting, Esq., of Great-Barrington in the county of Berkshire, and William Ingersoll of Lee, in the same county, joint administrators on the estate of David Ingersoll, senior, late of said Great-Barrington, deceased, be and they hereby are impowered and authorized to make sale of so much of the real estate that did belong to the said David Ingersoll at his decease, for the most the same will fetch, as that the neat proceeds arising from said sale or sales, shall enable them to redeem the mortgaged land mentioned in their petition, and also pay all remaining debts due from said estate, and to make and execute a good and lawful deed or deeds of the land they shall sell by virtue of this Resolve; they the said William Whiting and William Ingersoll giving proper security to the Judge of Probate for the said county of Berkshire, that all the aforesaid neat proceeds shall be applied to the above-mentioned purposes, and the whole affair settled with the said Judge of Probate, agreeable to the laws of this State for the settlement of intestate estates. [*Passed April 12.*]

Legislative  
Records of the  
Council,  
xl., 358.  
Mass.  
Archives,  
ccxxvii., 131.  
Mass.  
Resolves,  
March Session,  
chap. 160.  
Mass.  
Archives,  
ccxxvii., 132.  
Province  
Laws, ii., 151,  
chap. 10.



## CHAPTER 960.

VOTE ACCEPTING THE RESIGNATION OF COL. HAWES OF THE 4TH  
REGIMENT IN SUFFOLK COUNTY.

Mass.  
Archives,  
clxxxvi., 101.

Mass.  
Archives,  
clxxxvi., 101.

THE COMMITTEE of both Houses on the petition of Col. Benjamin Haws [Hawes of the 4th Regiment of Militia in the County of Suffolk]<sup>1</sup> have attended the service assigned them and beg leave to report as their opinion:

That the prayer thereof be granted, that the resignation of the said Col. Haws be accepted and he be discharged accordingly.

JABEZ FISHER per Order

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed April 12.*]

## CHAPTER 961.

RESOLVE DIRECTING THE MUSTER MASTERS FOR THE SEVERAL COUNTIES TO MUSTER AND PAY THE BOUNTY TO ALL SUCH PERSONS PRESENTED TO THEM NOTWITHSTANDING THEY MAY NOT BE ENGAGED TO SERVE IN ANY CORPS OR BATTALION BELONGING TO THIS STATE, PROVIDED THEY ARE OFFERED AS PART OF THIS STATE'S QUOTA OF THE CONTINENTAL ARMY.

Legislative  
Records of the  
Council,  
xl., 353.  
Mass.  
Archives,  
ccxxvii., 133.  
Mass.  
Resolves,  
March Session,  
chap. 161.

*Resolved*, That the Muster-Masters for the several Counties in this State be and hereby are impowered and directed to muster and pay the bounty agreeable to the Resolves of the General Court, and under the former restrictions of this Court for mustering men in the Continental Army, all such persons as may be presented to them or either of them for that purpose, notwithstanding they may not be engaged to serve in any corps or battalion belonging to this State; provided the men so offered to be mustered are enlisted as part of this State's quota of the Continental Army. [*Passed April 13.*]<sup>2</sup>

## CHAPTER 962.

RESOLVE EMPOWERING THE COUNCIL TO ISSUE WARRANTS IN FAVOR OF THE COMMITTEE OF ACCOUNTS UP TO £50,000.

Legislative  
Records of the  
Council,  
xl., 359.  
Mass.  
Archives,  
ccxxvii., 134.  
Mass.  
Resolves,  
March Session,  
chap. 166.

WHEREAS it has been made to appear to this Court that the money allowed to the Committee for paying accounts and appropriated for that purpose is expended, and a further sum is necessary to enable said Committee to discharge such accounts as may be presented for payment: Therefore

*Resolved*, That the Honorable Council be hereby impowered and desired to issue their warrants from time to time on [Henry Gardner, Esq.,]<sup>3</sup> the Treasurer, as there may be occasion, in favour of said Committee, for such sums as they, the Council, shall think proper to answer the purposes aforesaid; provided the amount of said warrants do not exceed the sum of Fifty Thousand Pounds. Said Committee to be accountable for the expenditure of the monies they shall receive. [*Passed April 13.*]

<sup>1</sup> Massachusetts Archives, clxxxvi., 101.

<sup>2</sup> This date is April 12 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>3</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 963.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER TO LIEUT. WILLIAM ALBEE, COMMANDER OF THE ARTILLERY AT MACHIAS, THE SAME QUANTITY OF CLOTHING ON THE SAME TERMS AS THE OFFICERS OF THE SAME RANK ARE ENTITLED TO UNDER COL. REVERE.

ON THE PETITION of Lieut. William Albee, commander of the Artillery at Machias, shewing, that some days since the Honorable Court were pleased to pass an Order on the Board of War to supply him with cloathing on the same terms which the officers of Col. [Thomas]<sup>1</sup> Crafts's regiment are intitled to receive, and as Col. Crafts has been discharged about a year, the petitioner is deprived drawing any cloathing longer than while Col. Crafts had the command, he prays that he may be allowed to receive the cloathing he is in justice intitled to on the same terms as the officers of artillery under Col. [Paul]<sup>1</sup> Revere: Therefore

*Resolved*, That the Board of War be and hereby are directed to deliver to Lieut. William Albee the same quantity of cloathing, and on the same terms, as the officers of artillery of the same rank are intitled to receive who are under the command of Col. Revere, with what he has already received. [*Passed April 13.*]

Legislative  
Records of the  
Council,  
xl., 359.  
Mass.  
Archives,  
ccxxvii., 135.  
Mass.  
Resolves,  
March Session,  
chap. 165.  
Mass.  
Archives,  
ccxxvii., 136.  
*Ante*, p. 384,  
chap. 835.

## CHAPTER 964.

RESOLVE DIRECTING THE AGENT ON DR. SYLVESTER GARDINER'S ESTATE TO LEASE THE FARMS AT THE EASTWARD ACCORDING TO HIS BEST JUDGMENT AND DISCRETION.

WHEREAS this Court did by their Resolve of the 2d of June last direct the Agent upon the estate of Sylvester Gardner [Gardiner],<sup>2</sup> an absentee, to suspend the leasing of said absentee's estate, agreeable to a Resolve of the 19th of February, 1779, and further direct said Agent to lease said estate agreeable to his best judgment and discretion: And whereas said Agent has informed this Court there are several farms belonging to said estate which cannot be let quarterly agreeably to the Resolve of the 2d of June aforesaid, and prayed the direction of the Court for his future conduct: Therefore

*Resolved*, That the said Agent be and he hereby is directed to lease said farms at the Eastward, belonging to said Gardner's [Gardiner's]<sup>2</sup> estate, according to his best judgment and discretion, any Resolution of this Court to the contrary notwithstanding. [*Passed April 13.*]

Legislative  
Records of the  
Council,  
xl., 360.  
Mass.  
Archives,  
ccxxvii., 137.  
Mass.  
Resolves,  
March Session,  
chap. 164.  
Mass.  
Archives,  
ccxxvii., 133.  
Province  
Laws, xx., 619,  
chap. 531.  
*Ante*, p. 17,  
chap. 25.

## CHAPTER 965.

RESOLVE ENTITLING EBENEZER PERKINS, WOUNDED ON THE CONTINENTAL SHIP WARREN, TO HALF PAY FROM DEC. 1, 1779.

ON THE REPRESENTATION of John Lucas, Commissary of continental pensioners, in behalf of Ebenezer Perkins, a mariner on board the continental ship Warren, Dudley Saltonstall, commander, and was wounded by a ball that passed through him, by which he has lost the use of his left-arm, &c: Therefore

*Resolved*, That the said Ebenezer Perkins is intitled to half-pay, to commence from the 1st of December, 1779. [*Passed April 14.*]

Legislative  
Records of the  
Council,  
xl., 361.  
Mass.  
Archives,  
ccxxvii., 139.  
Mass.  
Resolves,  
March Session,  
chap. 163.  
Mass.  
Archives,  
ccxxvii., 140-  
143.

<sup>1</sup> *Ante*, p. 99, chap. 189.

<sup>2</sup> Massachusetts Archives, ccxx., 54.



## CHAPTER 966.

Legislative  
Records of the  
Council,  
xl., 362.  
Mass.  
Archives,  
ccxxvii., 144.  
Mass.  
Resolves,  
March Session,  
chap. 153.

Mass.  
Archives,  
ccxxvii., 145-  
148.

RESOLVE ENTITLING STEPHEN ROGERS, RUPTURED IN THE SERVICE, TO ONE-THIRD OF HIS PAY AS A PENSIONER.

ON THE REPRESENTATION of John Lucas Commissary of pensioners, in behalf of Stephen Rogers, a matross and artificer in Capt. [Noah]<sup>1</sup> Nichols's company, in the brigade of artillery under Gen. [Henry]<sup>2</sup> Knox, who, by a rupture he has in consequence of his being in said employment, is rendered unfit for the service from January 22, 1780:

*Resolved*, That Stephen Rogers is intitled to one third of his pay as a pensioner. [*Passed April 14.*]

## CHAPTER 967.

Legislative  
Records of the  
Council,  
xl., 362.  
Mass.  
Archives,  
ccxxvii., 149.  
Mass.  
Resolves,  
March Session,  
chap. 167.

Mass.  
Archives,  
ccxxvii., 150,  
151.

RESOLVE ENTITLING ESECK CHAISE, WHO LOST HIS LEFT LEG IN THE SERVICE OF THE UNITED STATES, HALF PAY FROM FEBRUARY 2<sup>d</sup> LAST WHEN HE WAS DISCHARGED FROM THE CORPS OF INVALIDS.

ON THE REPRESENTATION of John Lucas, Commissary of Continental Pensioners, in behalf of Eseck Chaise, late a soldier in Col. [William]<sup>3</sup> Sheppard's regiment, who lost his left leg in the service of the United States of America, and is now discharged the Corps of Invalids, and pleads the benefit of a Resolve of Congress in favour of pensioners: Therefore

*Resolved*, That the said Eseck Chaise is intitled to half pay, to commence the 2d day of February last, the time he was discharged from the Corps of Invalids. [*Passed April 14.*]

## CHAPTER 968.

RESOLVE REMITTING £1,800, A FINE FOR DEFICIENCY OF MEN IN 1779, LAID ON THE TOWN OF NORTHBOROUGH.

Legislative  
Records of the  
Council,  
xl., 340.  
Mass.  
Archives,  
ccxxvii., 165.  
Mass.  
Resolves,  
March Session,  
chap. 171.

Mass.  
Archives,  
ccxxvii., 164-  
166. *Ante*, p. 44,  
chap. 75.

ON THE PETITION of Paul Newton, in behalf of the town of Northborough, praying for an abatement of a fine set upon said town in the last tax for not raising three nine months men, agreeable to a resolve passed June 9th 1779. And whereas it does appear that said town did actually raise said men: Therefore

*Resolved*, That the sum of Eighteen Hundred Pounds, be remitted to said town, and [Henry Gardner, Esq.,]<sup>4</sup> the Treasurer of this State be and hereby is directed to discount said sum of Eighteen Hundred Pounds with the Collector or Constable of said Northborough, as part of the tax in which said fine was assessed. [*Passed April 15.*<sup>5</sup>]

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xiii., 523.

<sup>2</sup> Heitman, Historical Register of Officers of the Continental Army, 1914.

<sup>3</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, iii., 349.

<sup>4</sup> *Ante*, p. 337, chap. 734.

<sup>5</sup> This date is same in Massachusetts Resolves, but April 5 according to Legislative Records of the Council.



## CHAPTER 969.

RESOLVE EXCLUDING THE GUARD DOING DUTY IN BOSTON FROM  
THE RESOLVE OF MARCH 29TH LAST.

WHEREAS it is represented that the Resolve of the Court passed the 29th day of March last, respecting the government of the guards to be raised to do duty at Boston, Rutland and Springfield, is found to be injurious in its operation on the guard at Boston: Therefore

*Resolved*, That the guard doing duty in Boston shall not be considered as included in the said Resolution, but shall continue to do duty and be governed as heretofore they have been, the said Resolve notwithstanding. [*Passed April 15.*<sup>1</sup>

Legislative  
Records of the  
Council,  
xl., 353.  
Mass.  
Archives,  
ccxxvii., 169.  
Mass.  
Resolves,  
March Session,  
chap. 157.

*Ante*, p. 411,  
chap. 894.

## CHAPTER 970.

RESOLVE GRANTING £7,399. 12s. 6d. TO JONATHAN GLOVER OF MAR-  
BLEHEAD FOR LOSS OF HIS SCHOONER BONNER WHILE ON A  
VOYAGE TO VIRGINIA TO GET FLOUR FOR THIS STATE.

ON THE PETITION of Jonathan Glover of Marblehead, in the county of Essex, praying he may have pay for a certain schooner, called the Bonner, which the Board of War of this State hired of said Glover in the month of February, 1779, for a voyage to Virginia to bring flour for the use of this State, which vessel was captured by the enemy, as is fully set forth in said petition:

*Resolved*, That the Board of War be and hereby are directed to pay to the said Jonathan Glover, Seven Thousand three Hundred and ninety-nine Pounds twelve Shillings and six Pence, in full for his loss and damages sustained in consequence of said vessel's being captured as aforesaid. [*Passed April 15.*<sup>2</sup>

Legislative  
Records of the  
Council,  
xl., 363.  
Mass.  
Archives,  
clxxxvi., 170.  
Mass.  
Resolves,  
March Session,  
chap. 170.

Mass.  
Archives,  
clxxxvi., 169;  
ccclxxxv., 88.

## CHAPTER 971.

RESOLVE ENTITLING JOSEPH JOHNSON, WOUNDED AT RHODE  
ISLAND IN 1778, TO HALF PAY AS A PENSIONER.

ON THE REPRESENTATION of John Lucas, Commissary of pensioners, in behalf of Joseph Johnson, a soldier in Capt. Marshall's [Thomas Marshall Baker's]<sup>3</sup> company in Col. [Benjamin]<sup>4</sup> Hawes's regiment, who was wounded by a musket ball in his right-knee on Rhode Island, August 29th, 1778, and is now a cripple:

*Resolved*, That the said Joseph Johnson is intitled to receive half pay as a pensioner. [*Passed April 15.*

Legislative  
Records of the  
Council,  
xl., 362.  
Mass.  
Archives,  
ccxxvii., 152.  
Mass.  
Resolves,  
March Session,  
chap. 177.

Mass.  
Archives,  
ccxxvii., 153-  
155.

<sup>1</sup> This date is April 10 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>2</sup> This date is same in Legislative Records of the Council, but is April 14 in Massachusetts Resolves.

<sup>3</sup> Massachusetts Archives, ccxxvii., 154.



## CHAPTER 972.

Legislative  
Records of the  
Council,  
xl., 363.  
Mass.  
Archives,  
ccxxvii., 156.  
Mass.  
Resolves,  
March Session,  
chap. 176.

Mass.  
Archives,  
ccxxvii., 157-  
158. Province  
Laws, v., 1132,  
chap. 28.

RESOLVE GRANTING £112 TO MOSES FRENCH, DEPUTY SHERIFF OF SUFFOLK COUNTY IN 1776 AND 1777, BEING SIXTEEN TIMES AS MUCH AS HIS FEES AMOUNTED TO AT THAT TIME.

ON THE PETITION of Moses French, praying for pay for services he performed for this State in the years 1776 and 1777, he then being a Deputy Sheriff for the County of Suffolk, as set forth in said petition and account thereto annexed, said account being in the whole seven Pounds:

*Resolved*, That there be paid to the said Moses French, out of the public Treasury of this State, the sum of One Hundred and twelve Pounds, it being sixteen times as much as said fees were when said service was performed, agreeable to a late fee bill of this State. [*Passed April 15.*]

## CHAPTER 973.

RESOLVE DIRECTING THE BOARD OF WAR TO PROVIDE TWO IRON FOUR-POUND FIELD PIECES, EQUIPPED WITH FIELD CARRIAGES, HARNESS, ETC., FOR THE TOWN OF NEWBURYPORT, IN LIEU OF THOSE LENT THE UNITED STATES.

Legislative  
Records of the  
Council,  
xl., 363.  
Mass.  
Archives,  
ccxxvii., 159.  
Mass.  
Resolves,  
March Session,  
chap. 172.

Mass.  
Archives,  
ccxxvii., 160.

ON THE PETITION of Jonathan Greenleaf, Esq., in behalf of the Town of Newbury-Port, praying for satisfaction to be made to the said Town of Newbury-Port for two four-pound iron field-pieces which they spared for the service of the United States, as by a certificate accompanying said petition may more fully appear:

*Resolved*, That the prayer of the petition be granted, and that the Board of War be and hereby are directed to provide two iron four-pound field pieces, equipped with field carriages, harness &c. so as to render them completely fit for the use of the army, and replace them to the Town of Newbury-Port, in lieu of those lent, and that the same be charged to the United States. [*Passed April 15.*]

## CHAPTER 974.

RESOLVE GRANTING £2,195. 0s. 4d. TO GEORGE STILLMAN OF MACHIAS FOR SUPPLIES FURNISHED THE TROOPS OF THE EASTERN DEPARTMENT BY ORDER OF COL. ALLAN.

Legislative  
Records of the  
Council,  
xl., 364.  
Mass.  
Archives,  
ccxxvii., 161.  
Mass.  
Resolves,  
March Session,  
chap. 173.

THE COMMITTEE to whom was referred the petition of George Stillman of Machias, wherein he prays for allowance for sundry articles supplied the troops of the eastern department by order of Col. John Allen [Allan].<sup>1</sup> The Committee have attended that service, examined the accounts, and the certificate accompanying said petition, and are of opinion the account exhibited by the petitioner is justly due: Therefore

*Resolved*, That there be allowed and paid out of the public Treasury to George Stillman the sum of Two Thousand one Hundred ninety-five Pounds and four Pence, the full of this account, and that the same be charged to the United States. [*Passed April 15.*]

<sup>1</sup> Massachusetts Archives, cxliv., 444.



## CHAPTER 975.

RESOLVE GRANTING £200 TO ANDREW WOISEAKER, WHO LOST HIS RIGHT ARM IN THE PENOBSCOT EXPEDITION, FOR HIS PRESENT RELIEF.

ON THE PETITION of Andrew Woiseaker, having lost his right arm in the late expedition at Penobscot, and is in very distressing circumstances:

*Resolved*, That there be paid out of the Treasury of this State the sum of Two Hundred Pounds for his present relief. [*Passed April 15.*]

Legislative  
Records of the  
Council,  
xl., 364.  
Mass.  
Resolves,  
March Session,  
chap. 175.

## CHAPTER 976.

RESOLVE GRANTING £2,700 TO CAPT. ASA COBURN OF THE 7TH MASSACHUSETTS REGIMENT TO ENABLE HIM TO PAY THE BOUNTY TO THIRTY MEN ENLISTED FOR THE WAR.

ON THE PETITION of Asa Coburn, a Captain in the 7th Massachusetts regiment praying that he may receive this State's bounty for thirty men inlisted into said regiment for during the war:

*Resolved*, That there be paid out of the Treasury of this State to the said Asa Coburn, the sum of Two Thousand seven Hundred Pounds, to enable him to pay the said men their bounties, he to be accountable for the same, by returning into the Secretary's office of this State a descriptive list of said men, and also a certificate from the Commanding Officer of said regiment that said men had not before received this State's bounty. [*Passed April 15.*]

Legislative  
Records of the  
Council,  
xl., 365.  
Mass.  
Archives,  
ccxxvii., 167.  
Mass.  
Resolves,  
March Session,  
chap. 174.  
Mass.  
Archives,  
ccxxvii., 168.

## CHAPTER 977.

RESOLVE DIRECTING THE DEPUTY CONTINENTAL COMMISSARY OF PRISONERS TO PERMIT DUNCAN McLEAN, LATE MASTER OF THE PRIZE SHIP HUME TAKEN BY THE DEAN FRIGATE, TO PROCEED WITH HIS WIFE TO NEW YORK ON PAROLE, TO BE EXCHANGED OR RETURN IN TWO MONTHS.

ON THE PETITION of Duncan Maclane [McLean]<sup>1</sup> praying that he may be permitted with his Wife to proceed to New York for reasons mentioned in said Petition peculiarly interesting to him:

*Resolved*, That the prayer of this Petition be granted and that Maj. John Hopkins Deputy Continental Commissary of Prisoners be and hereby is directed to permit Duncan Maclane [McLean]<sup>1</sup> a prisoner of war, late Master of the Prize Ship Hume captured by the Dean Frigate and brought into the Port of Boston, to proceed to New York by land or in a cartel from this place with his Wife. Said Maclane [McLean]<sup>1</sup> giving his Parole of Honor to the said Commissary of Prisoners that he will on his arrival there use his endeavour to procure the liberation of some person of equal rank with himself detained as a prisoner in New York belonging to this State in exchange or in case that he shall not be able to procure said exchange then to return to this State again in two months from the date hereof; and that he will not directly or indirectly give any intelligence whatever to the enemies of the United States or do or say any thing in opposition to, or in prejudice of the measures and proceedings of any Congress or Assemblies of the said States during the present War or until he is duly discharged. [*Passed April 17.*<sup>2</sup>]

Legislative  
Records of the  
Council,  
xl., 356.  
Mass.  
Archives,  
ccxxvii., 170.  
Mass.  
Archives,  
ccxxvii., 171½.

<sup>1</sup> Massachusetts Archives, ccxxvii., 171.

<sup>2</sup> This date is April 12 according to Legislative Records of the Council.



## CHAPTER 978.

Legislative  
Records of the  
Council,  
xl., 365.  
Mass.  
Archives,  
ccxxvii., 173.  
Mass.  
Resolves,  
March Session,  
chap. 182.

Mass.  
Archives,  
ccxxvii., 174;  
ccxxv., 88.

RESOLVE EMPOWERING THE BOARD OF WAR TO SETTLE THE ACCOUNTS OF JONATHAN GREENLEAF, ESQ., AND OTHERS, WHO BUILT THE SHIP PROTECTOR.

ON THE PETITION of the Board of War, praying for direction in settling the accounts of Jonathan Greenleaf, Esq., and others, who built the ship Protector, for reasons set forth in their petition aforesaid:

*Resolved*, That the Board of War are hereby impowered to settle the articles mentioned in said petition with the said Jonathan Greenleaf, Esq., and others mentioned in said petition, as to the said Board of War shall appear to be just and equitable. [*Passed April 17.*]

## CHAPTER 979.

RESOLVES DIRECTING THE COMMITTEE OF SEQUESTRATION TO RENDER AN ACCOUNT OF ALL SEQUESTERED GOODS, FURNITURE AND OTHER ARTICLES NOT YET DISPOSED OF AND THAT SAID COMMITTEE BE SERVED WITH AN ATTESTED COPY OF THIS RESOLVE.

Legislative  
Records of the  
Council,  
xl., 366.  
Mass.  
Archives,  
ccxxvii., 172.  
Mass.  
Resolves,  
March Session,  
chap. 180.

*Resolved*, That the Committee of Sequestration be and they hereby are directed to lay before the General Court an account of all the sequestered goods, furniture, and other articles not as yet disposed of, on or before the 24th instant, specifying whose goods they were, in whose hands the said articles are now, the value thereof at the time they were appraised, and by whose orders they were lodged in said persons hands, and the reasons why said articles have not been delivered to said Committee, and they are also directed to suspend the sale of any more of said articles till the further order of the General Court. Also

*Resolved*, That the Committee of Sequestration be served with an attested copy of this Resolve forthwith. [*Passed April 17.*]

## CHAPTER 980.

RESOLVE GRANTING £300 TO ANDREW PATERSON, LATE OF PENOBSCOT, FOR THE PRESENT RELIEF OF HIM AND HIS FAMILY.

Legislative  
Records of the  
Council,  
xl., 366.  
Mass.  
Archives,  
ccxxvii., 176.  
Mass.  
Resolves,  
March Session,  
chap. 183.

Mass.  
Archives,  
ccxxvii., 177.

YOUR COMMITTEE to whom was committed the Petition of Andrew Paterson, late of Penobscot, and obliged to come off with his family to Kennebeck River, praying for relief, having examined the facts set forth in said Petition, find them true: Wherefore

*Resolved*, That there be paid out of the Public Treasury of this State to Andrew Patterson [Paterson]<sup>1</sup> the sum of Three Hundred Pounds for the present relief of him and his said family.

In the House of Representatives

Read and Accepted.

In Council

Read and Concurred. [*Passed April 17.*]

<sup>1</sup> Massachusetts Archives, ccxxvii., 177.



## CHAPTER 981.

RESOLVE EMPOWERING ELIZABETH TOPPAN, WIDOW OF JACOB TOPPAN LATE OF NEWBURYPORT, TO SELL A DWELLING HOUSE AND SIXTY RODS OF LAND, HER DOWER, THE INTEREST ARISING TO BE FOR HER USE DURING LIFE AND THEN FOR THE BENEFIT OF HER CHILDREN.

ON THE PETITION of Elizabeth Toppan of Newbury-Port, praying she may be empowered to make sale of a dwelling house and about sixty rods of land in the town of Newbury-Port, set off to her for her right of dower out of her late husband's estate, for the reasons mentioned in the petition:

*Resolved*, That the said Elizabeth be and she hereby is empowered to make sale of a dwelling house and about sixty rods of land, in the town of Newbury-Port, set off to her out of her late husband Jacob Toppan's estate, as her right of dower, for the most it will fetch, and make and execute a good deed of the same to the purchaser, and that the interest arising by said sale be applied for the use of the said Elizabeth during her natural life, she giving caution to the Judge of Probate for the county of Essex, that the neat proceeds thereof shall be for the use and benefit of her children at her decease. [*Passed April 17.*]

Legislative  
Records of the  
Council,  
xl., 367.  
Mass.  
Archives,  
ccxxvii., 178.  
Mass.  
Resolves,  
March Session,  
chap. 185.

Mass.  
Archives,  
ccxxvii., 179-  
181.

## CHAPTER 982.

RESOLVE DIRECTING THE COURT OF GENERAL SESSIONS OF THE PEACE OF HAMPSHIRE COUNTY TO SETTLE THE ACCOUNTS OF ELLIJAH HUNT, CORONER, FROM 1775 TO DATE.

ON THE MEMORIAL of Elijah Hunt, Coroner of the County of Hampshire, setting forth, that ever since the year 1775, he only has served for said County in said capacity, from that time till this, and that for all his services since his appointment he has never received any consideration: For reasons set forth in his petition, Wherefore

*Resolved*, That the Court of General Sessions of the Peace for said County of Hampshire be and hereby are directed and empowered to pay the several accounts which said Hunt has from time to time exhibited to them, for his service in said office of Coroner, according to the present established fee-bill. [*Passed April 17.*]

Legislative  
Records of the  
Council,  
xl., 367.  
Mass.  
Archives,  
ccxxvii., 182.  
Mass.  
Resolves,  
March Session,  
chap. 181.

Mass.  
Archives,  
ccxxvii., 183.  
Province  
Laws, v., 1132,  
chap. 28.

## CHAPTER 983.

RESOLVE DIRECTING THE AGENT FOR THE ESTATE OF FREDERICK WILLIAM GEYER, ABSENTEE, TO DELIVER TO NATHAN FRAZIER IMMEDIATE SEIZEN AND POSSESSION OF A HOUSE AND LAND IN SUMMER ST., BOSTON, NOW OCCUPIED BY WILLIAM FOSTER, AND ALSO A SMALL HOUSE AND LAND AT THE WESTERLY PART OF BOSTON NOW OCCUPIED BY THE WIDOW DAWSON.

ON THE PETITION of Nathan Frazier of Boston, in this State, Merchant:

Whereas the said Frazier, with Frederick William Geyer (now an Absentee) during their co-partnership borrowed and received of George Bethune, Esq., of said Boston, One Thousand Pounds sterling, for which the said Frazier and Geyer jointly and severally gave their obligation, and as a collateral security severally mort-

Legislative  
Records of the  
Council,  
xl., 367.  
Mass.  
Archives,  
ccxxvii., 184.  
Mass.  
Resolves,  
March Session,  
chap. 183.



Mass.  
Archives,  
ccxxvii., 186-  
195.

gaged part of their real estate in said town; after which the said copartnership was by mutual agreement dissolved, and the said Geyer, in a certain indenture that appears, covenanted with the said Frazier to discharge the said debt and him the said Frazier to indemnify; by force of which the said sum of One Thousand Pounds is now the debt of said Geyer alone, but notwithstanding which by virtue of the above obligation to the said Bethune, the said Frazier now stands answerable in law to the said Bethune for the payment of the aforesaid sum; and whereas the real estate of said Geyer is sequestered and in the hands of this State, and will probably be confiscated to the use thereof; but whereas equity and justice require that said demand be first satisfied thereout: Therefore

*Resolved*, That the Agent for the estate of said Frederick William Geyer, Absentee as aforesaid, be and he hereby is impowered and directed, in the name and behalf of this State, to deliver to the said Nathan Frazier immediate seizen and possession of a certain house and land and their appurtenances, situate in Summer Street, in said Boston, and now occupied by Mr. William Foster; also of a small house and garden land, now occupied by the widow Dawson, and situate at the westerly part of said Boston, and both of which are part of the real estate of said Geyer, to hold to him the said Frazier, his heirs and assigns forever, to his and their only use and behoof forever: He the said Frazier satisfying and paying to the said Bethune the aforesaid sum of One Thousand Pounds sterling and the interest due thereon. And the said Agent is hereby directed, after livery of seizen and possession as aforesaid, to make due return thereof on the back of an attested copy of this Resolve, and lodge the same in the Secretary's office of this State.

Provided nevertheless, That before possession of said estate be delivered to the said Frazier in manner as aforesaid, he the said Frazier shall give his bond to [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State, for the sum of Two Thousand Pounds sterling money, upon condition that if at any time it shall appear that the said Geyer hath already paid, or shall hereafter pay to the said Bethune the said sum of One Thousand Pounds sterling, or any part thereof, the said Frazier shall, in that case, pay into the hands of [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State so much of said sum of One Thousand Pounds sterling as the said Geyer hath paid or shall hereafter pay to the said Bethune, together with the interest thereof from the time of said Geyer's payment. And that if the consideration sums mentioned in the deeds of said houses, lands, &c. to the said Geyer shall exceed the sum due on said obligation, he the said Frazier shall repay to this State so much of the said consideration sums as shall exceed what he shall in fact pay to the said Bethune. And upon further condition, that if the estate of the said Geyer shall not upon trial be adjudged forfeited, and shall not escheat to the use of this State, the said Frazier shall then re-convey to this State the houses, lands and appurtenances aforegranted, if the same shall then be in his possession, or (if the same be by him then sold) he the said Frazier shall be accountable to this State for the proceeds thereof, and shall indemnify and save harmless the State from all damages that may accrue to them or any person acting under them, for making the aforesaid grant and conveyance in manner as aforesaid. [*Passed April 17.*]

<sup>1</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 984.

RESOLVES APPOINTING BARTHOLOMEW KNEELAND, JOHN SIMPKINS AND SAMUEL BANGS, INSPECTORS OF SHIRTS, SHOES, STOCKINGS AND BLANKETS COLLECTED FROM THE SEVERAL COUNTIES; DIRECTING THE BOARD OF WAR TO SELL THE UNFIT AND ON ORDER FROM THIS COURT OR THE COUNCIL TO DELIVER THE SAME PROVIDED THEY CANNOT BE SECURED ELSEWHERE.

*Resolved*, That Bartholomew Kneeland, John Simpkins and Samuel Bangs be and they are hereby appointed inspectors of the shirts, shoes, stockings and blankets that have been collected from the several counties in this State, and deposited in the hands of the Board of War, and such of those articles as in their opinion are not good in quality, and unfit for soldiers cloathing, the Board of War are directed to sell for the most they will fetch, giving due notice of the same; paying the monies arising therefrom, after deducting all reasonable charges, to [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State, taking duplicate receipts therefor, one of which to be lodged in the Secretary's office: And it is further

*Resolved*, That whenever the Board of War may receive directions from this Court or the Honorable Council for any shirts, shoes, stockings or blankets for any purpose whatever, that they be and they are hereby empowered to deliver the same from the before mentioned articles collected by former orders of this Court, from the different counties in this State, provided they cannot be procured elsewhere, keeping a particular account of the same, any former appropriation notwithstanding. [*Passed April 17.*]

Legislative  
Records of the  
Council,  
xl., 369.  
Mass.  
Archives,  
ccxxvii., 197.  
Mass.  
Resolves,  
March Session,  
chap. 179.

## CHAPTER 985.

RESOLVE DIRECTING COL. BURBECK TO DELIVER THREE CANNON TO CALEB DAVIS, ESQ., TO REPLACE THOSE LENT TO THE STATE IN 1775.

ON THE PETITION of Caleb Davis, Esq., [of Boston]<sup>2</sup> praying that three cannon lent the State in the year 1775 may be returned, or that he may receive pay therefor:

*Resolved*, That Col. William Burbeck be and he hereby is directed to deliver to the said Caleb Davis, Esq., the three cannon he received of him in the year 1775, or in case they are otherwise disposed of, deliver him three others of equal goodness. [*Passed April 17.*]

Legislative  
Records of the  
Council,  
xl., 370.  
Mass.  
Archives,  
ccxxvii., 198.  
Mass.  
Resolves,  
March Session,  
chap. 187.

Mass.  
Archives,  
ccxxvii., 199-  
200.

## CHAPTER 986.

RESOLVE DIRECTING THE COMMITTEE ON ACCOUNTS TO SETTLE WITH SETH WASHBURNE AND OTHERS FOR RAISING MEN IN WORCESTER COUNTY ON A SUDDEN EMERGENCY.

WHEREAS it hath been represented to this Court that Seth Washburne and others were appointed a Committee to go into the county of Worcester to raise a number of men on a sudden emergency, and had a sum of money delivered into their hands for that purpose, for which they are desirous to account: Therefore

*Resolved*, That the Committee appointed by the General Court

Legislative  
Records of the  
Council,  
xl., 370.  
Mass.  
Archives,  
ccxxvii., 201.  
Mass.  
Resolves,  
March Session,  
chap. 186.

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> Massachusetts Archives, ccxxvii., 199.



to liquidate the accounts of said State be and they are hereby empowered and directed to settle with said Committee so soon as any of them exhibit their accounts to them, and give them a proper discharge, so far as their receipts for the sum they received may appear. [*Passed April 17.*]

## CHAPTER 987.

RESOLVE EMPOWERING THE ADMINISTRATRIX OF THE ESTATE OF LUKE CHAPIN, LATE OF MONSON, TO EXCHANGE SIX AND ONE-QUARTER ACRES OF LAND LYING AT A DISTANCE FOR THE SAME QUANTITY OF LAND ADJOINING HIS ESTATE.

Legislative  
Records of the  
Council,  
xl., 370.  
Mass.  
Archives,  
ccxxvii., 202.  
Mass.  
Resolves,  
March Session,  
chap. 184.

Mass.  
Archives,  
ccxxvii., 203.

ON THE PETITION of Elizabeth Chapin of Monson, in the County of Hampshire, Administratrix to the estate of Luke Chapin, late of said Monson, deceased, praying that she might have liberty to exchange six acres and one quarter of land lying at a distance for the same quantity of land lying adjoining to said estate:

*Resolved*, That the prayer of the petition be granted, and that the petitioner be and she is hereby authorized and empowered, in her said capacity, to execute a good and sufficient deed of the six acres and a quarter of land mentioned in said petition, now belonging to the estate of which the aforesaid Luke Chapin died seized: Provided she at the same time to take a good and well executed deed of six acres and one quarter of land adjoining to the home lot of the aforementioned estate, to the full value of the first mentioned land, the fee of which to be to the heirs of the aforementioned Luke Chapin, in the same manner as though the said lands belonged to the estate of which their father died seized, and that such deeds when so executed shall be deemed and held good and valid in law to all intents and purposes, any law, usage or custom to the contrary notwithstanding. [*Passed April 17.*]

## CHAPTER 988.

RESOLVE PERMITTING JAMES WEBBER TO GO TO CHESTER, N. S., ON A VISIT TO HIS FATHER, IN THE CARTEL WITH MR. WILLIS HALL.

Legislative  
Records of the  
Council,  
xl., 371.  
Mass.  
Archives,  
ccxxvii., 205.  
Mass.  
Resolves,  
March Session,  
chap. 189.

Mass.  
Archives,  
ccxxvii., 204-  
206. *Ante*, p. 338,  
chap. 843.

WHEREAS James Webber has petitioned this Court for liberty to go to Chester in Nova-Scotia, on a visit to his father:

*Resolved*, That James Webber be and he is hereby permitted to go to Nova Scotia in the Cartel with Mr. Willis Hall to Chester in said Province for the purpose of visiting his father and to return to this State again by the first opportunity, he giving bond in the penal sum of Fifteen Hundred Pounds to [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State that he will not carry with him goods of any kind or provisions more than necessary for his voyage to Halifax. [*Passed April 18.*]

<sup>1</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 989.

RESOLVE PERMITTING JAMES SMITH, ONE OF THE PRISONERS IN THE CAPITULATION OF GEN. BURGOYNE, TO RESIDE IN MARLBOROUGH UNTIL FURTHER ORDER.

ON THE PETITION of James Smith, one of the prisoners in the capitulation of Gen. [John]<sup>1</sup> Burgoyne and his troops at Saratoga, praying that he may reside at Sutton:

*Resolved*, That the prayer of said petition be so far granted as that the said James Smith be and hereby is permitted to reside at Marlborough until the further order of Congress or the General Court. [*Passed April 18.*]

Legislative  
Records of the  
Council,  
xl., 371.  
Mass.  
Archives,  
ccxxvii., 207.  
Mass.  
Resolves,  
March Session,  
chap. 198.

## CHAPTER 990.

RESOLVE ALLOWING £3 PER DAY ADDITIONAL TO THE COMMITTEES ON ACCOUNTS AND MUSTER ROLLS FOR EACH DAY'S SERVICE FROM MAY 26, 1779, TO MAY 27, 1780, ON ACCOUNT OF THEIR EXTRAORDINARY AND FAITHFUL SERVICES.

IN CONSIDERATION of the extraordinary and faithful services of the Committee on Accounts and the Committee on Muster-Rolls:

*Resolved*, That there be allowed and paid out of the Treasury of this State to each of the Members of said Committee the sum of three Pounds, in addition to the present established pay, for each and every day's service, which they shall have severally performed on the Committees aforesaid from May 26th, 1779 to May 27th, 1780, and the Council are hereby requested to allow their accounts therefor, and draw warrants on the Treasury accordingly. [*Passed April 18.*]

Legislative  
Records of the  
Council,  
xl., 372.  
Mass.  
Archives,  
ccxxvii., 217.  
Mass.  
Resolves,  
March Session,  
chap. 190.

## CHAPTER 991.

RESOLVE APPROPRIATING MONEYS RECEIVED ON JUDGMENTS BY THE TREASURER AGAINST CERTAIN PERSONS FOR BREACH OF CONDITIONS OF THEIR OBLIGATIONS FOR THE USE OF THE OWNERS, MARINERS AND MARINES OF THE SHIP TARTAR, SCHOONERS ACTIVE AND SPEEDWELL SAILING UNDER COMMAND OF COMMODORE MANLEY.

ON THE PETITION of Nehemiah Soames, in behalf of himself and others:

*Resolved*, That the monies obtained on judgment in favour of [Henry Gardner, Esq.,]<sup>2</sup> the Treasurer of this State against certain persons for the breaches of the conditions of their respective obligations given for the due performance of certain articles of agreement entered into by a Committee of this Court and said persons, as mentioned in said petition, and which monies are now in the hands of the Attorney who appeared in support of said suits in behalf of the State, be and they hereby are appropriated to and for the use of the owners, mariners and marines of the ship Tartar, the schooner Active and schooner Speedwell, at whose instance and request and at whose expence the said suits were instituted and carried on, and that all the said monies so recovered be distributed amongst the said owners and crews of said ship Tartar and schooners Active and Speedwell, in proportion to the number of men each of said vessels had at the time of their failing in com-

Legislative  
Records of the  
Council,  
xl., 372.  
Mass.  
Archives,  
ccxxvii., 221.  
Mass.  
Resolves,  
March Session,  
chap. 195.

<sup>1</sup> A list of General and Field Officers in the Army, 1777.

<sup>2</sup> *Ante*, p. 337, chap. 734.



pany under the command of Com. John Manly [Manley],<sup>1</sup> Esq., and that the said Attorney, who has the said monies now in his possession, be and he hereby is directed to pay out the same to the respective Agents of said vessels and the crews thereof, in the aforesaid proportion. [*Passed April 18.*]

## CHAPTER 992.

RESOLVE EMPOWERING WILLIAM WHITING, ESQ., OF GREAT BARRINGTON, TO ISSUE A WARRANT FOR A MEETING IN MAY NEXT TO ELECT TOWN OFFICERS USUALLY CHOSEN IN MARCH.

Legislative  
Records of the  
Council,  
xl., 373.  
Mass.  
Archives,  
ccxxvii., 223.  
Mass.  
Resolves,  
March Session,  
chap. 197.

ON THE PETITION of Jonathan Nash of Great Barrington, in the County of Berkshire, setting forth, that the said Town have not chosen any Town-Officers in the month past, as by law they should have done, which neglect he attributes to several reasons, as set forth in his petition, and the want whereof will subject the said Town to many difficulties and inconveniences: Wherefore

Mass.  
Archives,  
ccxxvii., 224.

*Resolved*, That William Whiting, Esq., of Great Barrington, be and hereby is authorized and empowered to issue his warrant to some suitable person in said Town, requiring him to warn the freeholders and other inhabitants of said Town qualified to vote in Town affairs, that they assemble and meet some time in the month of May next, at such time and place as he shall think proper, for the purpose of electing all such Town-Officers as incorporated Towns by law are required to chuse in the month of March annually. [*Passed April 18.*]

## CHAPTER 993.

Legislative  
Records of the  
Council,  
xl., 373.  
Mass.  
Archives,  
ccxxvii., 225.  
Mass.  
Resolves,  
March Session,  
chap. 194.

RESOLVE ENTITLING ENOCH STOCKER, WOUNDED IN THE RIGHT THIGH AND INCAPABLE OF SERVING WITH THE CORPS OF INVALIDS, TO HALF PAY AS A PENSIONER.

Mass.  
Archives,  
ccxxvii., 226,  
227.

ON THE REPRESENTATION of John Lucas, Commissary of Pensioners, in behalf of Enoch Stocker, a soldier in Col. [John]<sup>2</sup> Bailey's regiment, and in Capt. [Jacob Allen's]<sup>2</sup> Alden's company, and who was wounded by a musket-ball in his right-thigh, by which he is rendered incapable for duty in the Corps of Invalids and is discharged, as appears by certificates for said purpose:

*Resolved*, That the aforesaid Enoch Stocker is intitled to half-pay as a pensioner. [*Passed April 18.*]

## CHAPTER 994.

RESOLVE EXTENDING THE TIME FOR COLLECTING MONEYS FOR THE LOAN UNTIL MAY 20, 1780.

Legislative  
Records of the  
Council,  
xl., 373.  
Mass.  
Archives,  
ccxxvii., 228.  
Mass.  
Resolves,  
March Session,  
chap. 191.

WHEREAS by a Resolve of the General Court of the 29th of June, 1779 the several Towns within this State were empowered to appoint persons to collect monies to be paid into the Loan-Office, and were authorized to engage Loan Certificates for the same but no time being therein limited for collecting the same, whereby many inconveniences may arise:

<sup>1</sup> Massachusetts Archives, Revolutionary Rolls, lii., 103-145.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xv., 43.



*Resolved*, That the time for collecting the monies expressed in said Resolve be extended and limited to the 20th day of May 1780, and no longer; and that the Secretary of this State be directed to publish this Resolve in the Boston weekly news papers. [*Passed April 18.*]

Mass.  
Archives,  
ccxxvii., 229.  
*Ante*, p. 117,  
chap. 230.

## CHAPTER 995.

LETTER ADDRESSED TO THE GOVERNMENT OF NEW HAMPSHIRE  
AS TO THE PROTECTION OF THE EASTERN PARTS OF THIS STATE.

THE GENERAL ASSEMBLY of this State taking into consideration the grievous hardships to which the maritime towns on the coast have been reduced, from the enemy's being permitted to hold possession of their fortress at Penobscot, and at the same time reflecting on the great distress now suffered by our brethren the inhabitants of the Eastern country, have represented their sentiments on that subject to Congress, with a view to impress the Continent with a just idea of the importance of that country to the enemy, and to the United States, and of the necessity of a vigorous exertion on the part of the Continent to rescue that post out of the hands of the invaders. They have also ordered Six Hundred men of the militia of this State, under the command of Brig. [Peleg]<sup>1</sup> Wadsworth, to be stationed in those parts for its defence. This force they are far from thinking adequate to the necessity of the case, but it is all that in their present circumstances they judge themselves able to spare at this juncture for that service. The effect of this scanty provision they should consider with regret did they not reflect that the spirit and patriotism of our sister State of New-Hampshire (which is more immediately in the vicinity of this seat of distress) have never failed to display itself in the common cause whenever it has been duly called upon; and that there is good ground to believe that her exertions will be ready at this crisis to give weight to those of this State in the defence of that important part of the Continent, if your Legislature is duly apprized of the occasion.

Legislative  
Records of the  
Council,  
xl., 374.  
Mass.  
Resolves,  
March Session,  
chap. 196.

I am therefore desired by the Assembly of this State to represent this matter to your General Assembly through your favour, and to request that they would take such measure as their circumstances will admit, to aid the exertions of this State in defence of the eastern country against the attempts of our enemies, and if practicable, to reduce them, as this will be acknowledged an eminent service to your own State, to this State and all America. [*April 18.*]

## CHAPTER 996.

RESOLVE GRANTING £39. 6s. TO BENJAMIN HOPKINS WHO LOST  
ONE OF HIS THUMBS IN DEFENCE OF THE INTEREST OF HIS  
COUNTRY IN FULL OF HIS SURGEON'S ACCOUNT.

ON THE PETITION of Benjamin Hopkins, who was wounded in the defence of the interest of his country, whereby he lost one of his thumbs, praying that he may be allowed the surgeon's bill:

*Resolved*, That the prayer of the petition be granted, and that there be paid out of the public Treasury of this State to the said Benjamin Hopkins the sum of thirty-nine Pounds six Shillings, in full of the surgeon's account. [*Passed April 18.*]

Legislative  
Records of the  
Council,  
xl., 375.  
Mass.  
Resolves,  
March Session,  
chap. 199.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xvi., 381.



## CHAPTER 997.

RESOLVE DIRECTING THE COMMISSARY FOR SUPPLYING SEACOAST MEN AT GLOUCESTER TO SUPPLY THE FAMILIES OF JOHN BISHOP AND STEPHEN BROWN WHO HAVE ENLISTED IN THE CONTINENTAL ARMY.

Legislative  
Records of the  
Council,  
xl., 375.  
Mass.  
Archives,  
ccxxvii., 230.  
Mass.  
Resolves,  
March Session,  
chap. 192.

ON THE PETITION of John Bishop and Stephen Brown, setting forth that they have inlisted into the Continental Army during the war, and that their families are now in distressing circumstances and they unable to relieve them, and that they cannot persuade themselves to return to camp 'till some provision be made for their support: Therefore

Mass.  
Archives,  
ccxxvii., 231.

*Resolved*, That the Commissary for supplying sea-coast men at Gloucester be and he hereby is directed to supply them in manner as the Selectmen of the several towns in this State are directed to supply soldiers families, and that he lay his accounts before the Committee on accounts for allowance. [*Passed April 18.*]

## CHAPTER 998.

RESOLVE GRANTING £436. 6s. TO NATHANIEL SNOW, WHO LOST THE USE OF ONE HAND AND ALMOST THE USE OF THE OTHER, FOR SURGEON'S ACCOUNT, BOARDING, NURSING, ETC.

Legislative  
Records of the  
Council,  
xl., 376.  
Mass.  
Resolves,  
March Session,  
chap. 193.

ON THE PETITION of Nathaniel Snow, who was wounded in defending the interest of his country, whereby he has lost the use of one of his hands, and almost the use of the other, prays he may be allowed the Surgeon's bill, boarding and nursing, agreeable to his account:

*Resolved*, That the prayer of the petition be granted, and that there be paid out of the Treasury of this State to the said Nathaniel Snow the sum of four Hundred thirty-six Pounds six Shillings, in full for expences incurred by the Surgeon's account, board, nursing, &c. by reason of the wounds he received. [*Passed April 18.*]

## CHAPTER 999.

RESOLVE PERMITTING COL. DENNY OF THE 1ST REGIMENT IN WORCESTER COUNTY TO RESIGN.

Legislative  
Records of the  
Council,  
xl., 328.  
Mass.  
Archives,  
ccxxvii.,

Mass.  
Archives,  
ccxxvii., 218.

WHEREAS Samuel Denney, Esq., Colonel of the 1st Regiment of Militia in the County of Worcester has asked leave to resign his Commission on account of the severe and fatiguing duty of his Office:

*Resolved*, That Col. Samuel Denny have liberty to resign his Commission accordingly. [*Passed April 18.*]



## CHAPTER 1000.

RESOLVE DIRECTING THE COMMITTEE TO SELL CONFISCATED ESTATES IN SUFFOLK COUNTY TO SUSPEND THE SALE OF SAME; THE AGENTS ON THE ESTATES OF HENRY HULTON, RICHARD LECHMERE AND SAMUEL QUINCY TO LEASE SUCH PARTS AS ARE UNSOLD AND THE COMMITTEE OF SEQUESTRATION TO TAKE CARE OF THE REMAINING PART OF THE ESTATE LATE BELONGING TO HARRISON GRAY IN THE SAME MANNER.

*Resolved*, That the Committee who were appointed to sell confiscated estates in the County of Suffolk be and they hereby are directed to suspend the sale of any more of said estates until the further order of the General Court, and the Agents on the estates of late belonging to Henry Hulton, Richard Lechmere and Samuel Quincy be and they hereby are directed to proceed to lease such part of said estates as remain unsold, agreeable to former orders of the General Court. And the Committee of Sequestration are hereby directed to take care of such part of the estate late belonging to Harrison Gray as remains unsold, in the same manner.  
[*Passed April 19.*]

Legislative  
Records of the  
Council,  
xl., 376.  
Mass.  
Archives,  
ccxxvii., 232.  
Mass.  
Resolves,  
March Session,  
chap. 203.

## CHAPTER 1001.

RESOLVE ADJOURNING THE MARITIME COURT FOR THE MIDDLE DISTRICT TO BE HELD AT SALEM ON THE 19TH DAY OF APRIL, INSTANT, TO THE 20TH OF THE SAME ON ACCOUNT OF THE INCLEMENCY OF THE WEATHER.

WHEREAS the Maritime Court for the Middle District of this State is advertised to be held at Salem on the 19th day of April instant, for the trial of the justice of the capture of several vessels and their cargoes; and whereas the inclemency of the weather is such that it will be inconvenient, if not impracticable, to hold said Court on said day: Therefore

*Resolved*, That the Maritime Court aforesaid, for the trial of the captures aforesaid, be held at Salem, in the County of Essex, on Thursday the 20th day of April instant, at the Court-House in said Salem, at the hour of eleven in the forenoon, and that all proceedings at the same Court shall be valid and effectual in law, in like manner as if it had been held on the 19th day, according to the advertisement thereof; of which all persons concerned are to take notice and govern themselves accordingly. [*Passed April 19.*]

Legislative  
Records of the  
Council,  
xl., 377.  
Mass.  
Archives,  
ccxxvii., 233.  
Mass.  
Resolves,  
March Session,  
chap. 202.

## CHAPTER 1002.

RESOLVE ALLOWING THE ACCOUNTS OF MICHAEL FARLEY, ESQ., TREASURER OF ESSEX COUNTY FROM MAY 7, 1779, TO APRIL 15, 1780.

ON THE ACCOUNTS of Michael Farley, Esq., Treasurer of the County of Essex:

Whereas it appears upon examination of the County Treasurer's accounts for the County of Essex, that all the monies granted and allowed by the Court of General Sessions of the Peace for said County from May 7th 1779 to April 15th 1780, were for such purposes and appropriations as the law impowered said Court to grant, and the ballance due to said Treasurer being the sum of three Hundred and thirty-five Pounds thirteen shillings and one Penny.

*Resolved*, That the said accounts be allowed. [*Passed April 19.*]

Legislative  
Records of the  
Council,  
xl., 377.  
Mass.  
Archives,  
ccxxvii., 234.  
Mass.  
Resolves,  
March Session,  
chap. 201.



## CHAPTER 1003.

RESOLVE ALLOWING THE ACCOUNTS OF MICHAEL FARLEY, ESQ.,  
TREASURER OF ESSEX COUNTY FROM 1777 TO MAY, 1779.

Legislative  
Records of the  
Council,  
xl., 377.  
Mass.  
Archives,  
ccxxvii., 235.  
Mass.  
Resolves,  
March Session,  
chap. 200.

ON THE ACCOUNTS of Michael Farley, Esq., Treasurer of the  
County of Essex:

Whereas it appears upon the examination of the County Treasurer's accounts for the County of Essex, that all the monies granted and allowed by the Court of General Sessions of the Peace for said County from 1777 to May 1779 were for such purposes and appropriations as the law impowered said Court to grant, and the balance due to the County is one Hundred eighty-four Pounds sixteen Shillings and eight Pence.

*Resolved*, That the said accounts be allowed. [*Passed April 19.*]

## CHAPTER 1004.

ORDER ACCEPTING THE RESIGNATION OF EBENEZER CROCKER, 3d,  
BRIGADE MAJOR IN THE COUNTY OF BARNSTABLE.

Mass.  
Archives,  
clxxvi., 280.

To the Honourable the Council for the State of Massachusetts-Bay.

With gratitude I acknowledge the Councils commissioning me as Brigade Major in the County of Barnstable and as my word and honour is past to resign said commission I hereby do it on that account though I fear it will not answer the end proposed by Col. [Nathaniel]<sup>1</sup> Freeman and his Officers to settle the peace of his Regiment.

I am your Honours humble servant

EBENEZER CROCKER 3d.

BARNSTABLE, April 13, 1780.

In Council

Read and

*Ordered*, That the Resignation of Ebenezer Crocker, 3d. be and hereby is accepted. [*Passed April 19.*]

## CHAPTER 1005.

RESOLVE REMITTING A FINE OF £2,400 LAID ON THE TOWN OF  
SOUTHBOROUGH FOR NOT PROCURING FOUR MEN IN 1779, AND  
GRANTING THEM A BOUNTY OF £480, THE SAME HAVING BEEN  
FURNISHED.

Legislative  
Records of the  
Council,  
xl., 366.  
Mass.  
Archives,  
ccxxvii., 242.  
Mass.  
Resolves,  
March Session,  
chap. 209.

ON THE PETITION of James Parker and others, Agents for the town of Southborough, praying that a fine of Two Thousand and four Hundred Pounds, laid on said town for not procuring four men to serve in the Continental Army for the term of nine months, agreeable to a Resolve of the General Court, passed June 9, 1779, might be remitted.

And whereas it appears that the said town of Southborough did procure their full quota of men, agreeable to said Resolve: Therefore

*Resolved*, That the said fine of Two Thousand four Hundred Pounds, laid on said town, be remitted, and that the sum of four

Mass.  
Archives,  
ccxxvii., 243.  
*Ante*, p. 44,  
chap. 75.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vi., 47.



Hundred and eighty Pounds be allowed to said town of Southborough as a bounty for the aforesaid four men, agreeable to said Resolve. [*Passed April 20.*<sup>1</sup>

## CHAPTER 1006.

RESOLVE DIRECTING THE JUDGE OF PROBATE OF ESSEX COUNTY TO GRANT ADMINISTRATION ON THE ESTATE OF SAMUEL GOODRIDGE, SR., TO SOME PROPER PERSON, A FORMER ADMINISTRATION HAVING BEEN GRANTED NOTWITHSTANDING.

ON THE PETITION of Samuel and Joseph Goodridge, praying that administration may be granted on the estate of their late father, Samuel Goodridge, deceased, for reasons set forth in said petition:

*Resolved*, That the prayer of said petition be granted, and that the Judge of Probate for the County of Essex be and he hereby is impowered and directed to grant administration to some proper person to administer on said estate according to law, a former administration thereon having been granted notwithstanding. [*Passed April 20.*

Legislative  
Records of the  
Council,  
xl., 378.  
Mass.  
Archives,  
ccxxvii., 244.  
Mass.  
Resolves,  
March Session,  
chap. 206.

Mass.  
Archives,  
ccxxvii., 245.

## CHAPTER 1007.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER TO NATHANIEL GORHAM SUNDRY ARTICLES NECESSARY FOR BUILDING A HOUSE TO THE AMOUNT OF £21. 5s., AT THE REGULATED PRICE, THE AMOUNT OF HIS ACCOUNT FOR SERVICES AT CHARLESTOWN IN 1775 BY ORDER OF THE PROVINCIAL CONGRESS.

ON THE PETITION of Nathaniel Gorham, praying that he might have an order on the Board of War for sundry articles necessary for building a house, to the amount of twenty-one Pounds five Shillings, which is the amount of his account for services done at Charlestown in the year 1775, by order of the Provincial Congress:

*Resolved*, That the prayer of the petition be granted, and that the Board of War be and are hereby directed to deliver Nathaniel Gorham sundry articles necessary for building a house (if they have such articles on hand and can with convenience spare them) to the amount of twenty-one Pounds five Shillings, at the price such articles were set at by the Act for regulating prices, made in the year one thousand seven hundred and seventy seven. [*Passed April 20.*

Legislative  
Records of the  
Council,  
xl., 378.  
Mass.  
Archives,  
ccxxvii., 238.  
Mass.  
Resolves,  
March Session,  
chap. 205.

Mass.  
Archives,  
ccxxvii., 239-  
240; cclxxxv., 80.  
Province  
Laws, v., 583,  
chap. 14.

## CHAPTER 1008.

RESOLVE GRANTING £2,000 TO COL. GRIDLEY, ON ACCOUNT OF DEPRECIATION, TO BE ACCOUNTED FOR WHEN CONGRESS ALLOWS HIS PAY AS A CONTINENTAL OFFICER.

ON THE PETITION of Col. Richard Gridley, praying for allowance, on account of the depreciation of the currency:

*Resolved*, That there be allowed and paid out of the public Treasury of this State to Col. Richard Gridley, the sum of Two Thousand Pounds, he to be accountable for the same, when the pleasure of Congress shall be known relative to his pay as a Continental Officer. [*Passed April 20.*

Legislative  
Records of the  
Council,  
xl., 379.  
Mass.  
Archives,  
ccxxvii., 246.  
Mass.  
Resolves,  
March Session,  
chap. 207.

Mass.  
Archives,  
ccxxvii., 247.

<sup>1</sup> This date is same in Massachusetts Resolves, but April 17 according to Legislative Records of the Council.



## CHAPTER 1009.

RESOLVE ALLOWING MEMBERS OF THE HOUSE OF REPRESENTATIVES AND OF THE COUNCIL £12 AND £15 PER DAY RESPECTIVELY.

Legislative  
Records of the  
Council,  
xl., 379.  
Mass.  
Archives,  
ccxxvii., 248.  
Mass.  
Resolves,  
March Session,  
chap. 204.

THE COMMITTEE appointed to consider what sum should be granted to the Members of the General Court for their travel and attendance the present session beg leave to report by way of Resolve:

*Resolved*, That there be allowed to the Representatives Twelve Pounds per day, and to the Members of the Honorable Council Fifteen Pounds per day, for each day's attendance, and that the pay-roll for the present session of the General Court be made up accordingly. [*Passed April 20.*]

## CHAPTER 1010.

Legislative  
Records of the  
Council,  
xl., 379.  
Mass.  
Archives,  
ccxxvii., 249.  
Mass.  
Resolves,  
March Session,  
chap. 208.

RESOLVE EMPOWERING THE COMMITTEE ON ACCOUNTS TO SETTLE WITH THE SELECTMEN OF MARBLEHEAD, AND ANY OTHER TOWN IN SIMILAR CIRCUMSTANCES, THEIR ACCOUNTS FOR BLANKETS.

ON THE PETITION of the Selectmen of Marblehead, praying their accounts for blankets be allowed:

*Resolved*, That the Committee on Accounts be and hereby are fully impowered to settle with the Selectmen of Marblehead, and the Selectmen of any other town within this State in similar circumstances, as they in their wisdom shall think just and reasonable. [*Passed April 20.*]

## CHAPTER 1011.

RESOLVES REPEALING THE RESOLVE OF JANUARY 3<sup>d</sup> LAST SENDING THE SHIP PROTECTOR TO EUROPE, ORDERING HER TO CRUISE ON THIS COAST, AND DIRECTING THE COMMITTEE TO INSTRUCT THE AGENT FOR THE FOREIGN LOAN TO HAVE ALL GOODS PURCHASED SHIPPED SPEEDILY IN THE SAFEST AND CHEAPEST MANNER.

Legislative  
Records of the  
Council,  
xl., 380.  
Mass.  
Archives,  
ccxxvii., 253.

Mass.  
Archives,  
clvii., 305;  
ccxxxv., 90 bis.  
*Ante*, p. 326,  
chap. 702;  
p. 396,  
chap. 862.

WHEREAS by a Resolve of this Court of January 3<sup>d</sup> last the Ship Protector was ordered for Europe for certain purposes mentioned in said Resolution and whereas the said Ship was not ready for sailing so early as was then expected and the season being so far advanced that we have the greatest reason to expect the seacoast of this State will be infested with the Enemy's Cruisers which makes it necessary to retain the said Ship in these seas: Therefore

*Resolved*, That each and every clause in said Resolution which orders said Ship for Europe be and hereby is repealed and made null and void and the Board of War are hereby directed to order the cruises of the said Ship in such manner as they may judge will most effectually protect the seacoast and render the greatest advantage to this and the United States of America, subject however to the orders of the Major part of the Council.

And whereas it is of the greatest importance that speedy measures be adopted for bringing the goods from Europe which have been ordered to be purchased for the Army it is therefore further

*Resolved*, That the Committee who were appointed to make out



an invoice of said goods and give additional instructions to [Mr. Jonathan Loring Austin]<sup>1</sup> the Agent appointed to negotiate a Foreign Loan be and they hereby are impowered and directed to take the most effectual and speedy measures for bringing into this State the said goods together with any other goods purchased for this State either by agreeing with the owners of private armed vessels to bring them on freight or by directing the Agent aforesaid to procure freight for them in the safest and cheapest manner he can, in Europe or in any other way (not repugnant to the foregoing Resolutions) which the said Committee shall judge will be most for the interest of this State and the said Committee are further directed to imbrace the first opportunity of writing to the Agent aforesaid directing him not to purchase any more goods than those Articles which were ordered for the use of the Army but in case he has purchased those Articles ordered for this Market to ship them in the safest and cheapest manner he can. [*Passed April 21.*<sup>2</sup>

## CHAPTER 1012.

RESOLVE DIRECTING THE COMMITTEE TO SELL CONFISCATED ESTATES IN ESSEX COUNTY TO LEASE SUCH PART OF THE ESTATE OF WILLIAM BROWN AS NOW REMAINS UNSOLD.

ON THE REPRESENTATION of the Committee appointed to sell confiscated estates in the County of Essex, respecting a part of the estate late belonging to William Brown, which has been confiscated:

*Resolved*, That the said Committee be and they hereby are directed to lease such part of said estate as now remains unsold, for one year, in such manner as they judge will be most for the interest of this State, any Resolve to the contrary notwithstanding. [*Passed April 21.*

Legislative  
Records of the  
Council,  
xl., 381.  
Mass.  
Archives,  
cccxvii., 255.  
Mass.  
Resolves,  
March Session,  
chap. 217.  
Mass.  
Archives,  
cccxvii., 257.

## CHAPTER 1013.

RESOLVE ABATING FINES OF £1,960 LAID ON THE TOWN OF CONWAY IN THE LAST TAX ACT.

WHEREAS the town of Conway had the sum of Five Hundred and twenty Pounds remitted to it by a Resolve passed October 6th 1779, and was to have been abated out of the then next State tax, but by some means was not deducted agreeable to the purport of said Resolve: And whereas the said town of Conway was fined in the last tax the sum of Eighteen Hundred Pounds for a supposed deficiency of three men, which were required of it by a Resolve passed June 9th, 1779, since which it appears that the said town of Conway was deficient but one man only, of the whole number required, by which means the town was taxed the sum of Nineteen Hundred and sixty Pounds more in the last tax than in justice it ought to have been: Therefore

*Resolved*, That there be allowed and paid out of the public Treasury of this State the aforesaid sum of Nineteen Hundred and sixty Pounds to the town of Conway, in full for what the said town of Conway was over taxed. [*Passed April 21.*

Legislative  
Records of the  
Council,  
xl., 381.  
Mass.  
Archives,  
cccxvii., 255.  
Mass.  
Resolves,  
March Session,  
chap. 211.  
Mass.  
Archives,  
cccxvii., 260.  
*Ante*, p. 43.  
chap. 75; p. 204,  
chap. 427.

<sup>1</sup> *Ante*, p. 359, chap. 782.

<sup>2</sup> This date is April 20 according to Legislative Records of the Council.



## CHAPTER 1014.

RESOLVE PERMITTING JAMES FREEMAN, HIS BROTHER AND SISTER TO GO TO QUEBEC TO THEIR FATHER CONSTANT FREEMAN, EITHER BY WAY OF HALIFAX OR THROUGH THE COUNTRY, AND ALLOWING SAID JAMES TO RETURN AGAIN.

Legislative  
Records of the  
Council,  
xl., 382.  
Mass.  
Archives,  
cxcxvi., 179.  
Mass.  
Resolves,  
March Session,  
chap. 216.

Mass.  
Archives,  
cxcxvii., 177.

## ON THE PETITION of James Freeman:

*Resolved*, That James Freeman, with his brother and sister have leave to go to Quebec to their father Constant Freeman, who resides there, either in a cartel to Halifax, where a passage may be obtained in a British vessel, or by land through the country; and that said James have leave to return again, for the reasons set forth in his petition. The said James to give bonds to [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State in the sum of Two Thousand Pounds, that he will carry no more with him than sufficient supplies for himself and brother and sister aforesaid. [*Passed April 21.*]

## CHAPTER 1015.

Legislative  
Records of the  
Council,  
xl., 382.  
Mass.  
Archives,  
cxcxvii., 261.  
Mass.  
Resolves,  
March Session,  
chap. 215.

*Ante*, p. 201,  
chap. 420.

RESOLVE GRANTING £20,000 TO GEN. HANCOCK FOR PAYING THE GARRISON AT CASTLE ISLAND, BEING PART OF THE WAGES DUE THEM.

*Resolved*, That there be paid out of the public Treasury of this State the sum of Twenty Thousand Pounds to Gen. [John]<sup>2</sup> Hancock, for paying the garrison at Castle-Island, he to be accountable for the same. The said sum being part of the wages due to said garrison, to be hereafter adjusted agreeable to a Resolve of October 6th 1779. [*Passed April 21.*]

## CHAPTER 1016

RESOLVE DIRECTING THE NAVAL OFFICER OF THE PORT OF MARBLEHEAD TO DELIVER TO SETH BARNES OF YARMOUTH, N. S., THE PAPERS BELONGING TO HIS VESSEL, A PASS TO THE PORT OF BOSTON, AND TO ALLOW HIM TO DISPOSE OF WHAT PROPERTY HE HAS WITH HIM, PURCHASE NECESSARIES FOR HIS FAMILY AND DEPART WITH HIS VESSEL TO SAID YARMOUTH, HE HAVING BROUGHT PRISONERS BELONGING TO THIS STATE TO MARBLEHEAD.

Legislative  
Records of the  
Council,  
xl., 383.  
Mass.  
Archives,  
cxcxvii., 262.  
Mass.  
Resolves,  
March Session,  
chap. 219.

Mass.  
Archives,  
cxcxvii., 263,  
265.

ON THE PETITION of Seth Barnes, of Yarmouth in Nova-Scotia, setting forth, that on his arrival at the port of Marblehead, with some prisoners belonging to this State, that he lodged the papers belonging to his vessel with [John Gerry]<sup>3</sup> the Naval-Officer of the port of Marblehead, and that he cannot obtain said papers nor a pass to come round to the port of Boston, without the interposition of the General Court: Therefore

*Resolved*, That the prayer of said petition be so far granted that the Naval-Officer of the port of Marblehead be and he hereby is directed to deliver to the said Barnes the papers aforesaid, and that he have a pass to the port of Boston, and that he have lib-

<sup>1</sup> Province Laws, xx., 583, chap. 439.

<sup>2</sup> *Ante*, p. 205, chap. 429.

<sup>3</sup> *Ante*, p. 336, chap. 731.



erty to dispose of what property he has with him, and have leave to purchase such necessaries as he may want for his family, and to depart again with his vessel to said Yarmouth. [*Passed April 21.*]

## CHAPTER 1017.

### VOTE CHOOSING FIELD OFFICERS OF THE 7TH REGIMENT IN MIDDLESEX COUNTY.

In the House of Representatives

The House, by Ballot, made choice of the following Gentlemen as Field-Officers of the 7th Regiment of Militia in the County of Middlesex, viz.

Jonathan Brown	.	.	.	.	.	Colonel
Ebenezer Bancroft	.	.	.	.	.	Lieutenant Colonel
Edward Farmer	.	.	.	.	.	First Major
John Minot	.	.	.	.	.	Second Major

Legislative  
Records of the  
Council,  
xl., 383.  
Mass.  
Archives,  
ccxxvii., 266.  
Mass.  
Resolves,  
March Session,  
chap. 212.

In Council

Read and Concurred. [*Passed April 21.*]

## CHAPTER 1018.

### RESOLVE GRANTING £200 TO JOHN SYMONDS, LATE BRITISH PENSIONER, TO RELIEVE HIS DISTRESSED CIRCUMSTANCES.

ON THE PETITION of John Symonds, [late British pensioner]<sup>1</sup> praying for relief, he being in very distressed circumstances: Therefore

*Resolved*, That there be paid out of the public Treasury the sum of two Hundred Pounds to the said John Symonds for his future support. [*Passed April 21.*]

Legislative  
Records of the  
Council,  
xl., 383.  
Mass.  
Archives,  
ccxxvii., 267.  
Mass.  
Resolves,  
March Session,  
chap. 210.  
Mass.  
Archives,  
ccxxvii., 268.

## CHAPTER 1019.

### RESOLVE ABATING A FINE OF £1,200 LAID ON THE TOWN OF MILTON FOR DEFICIENCY OF TWO MEN FOR THE CONTINENTAL ARMY.

ON THE PETITION of Seth Sumner, in behalf of the town of Milton, praying that a fine of Twelve Hundred Pounds laid on said town in the last tax-act for being deficient of two men in the army might be taken off; and whereas it appears that the town of Milton had their full quota of men in the Continental Army at the time said fine was laid on said town: Therefore

*Resolved*, That there be paid out of the public Treasury to Capt. Seth Sumner, for the use of said town, the sum of Twelve Hundred Pounds, which was laid on said town in the last tax-act. [*Passed April 21.*]

Legislative  
Records of the  
Council,  
xl., 384.  
Mass.  
Archives,  
ccxxvii., 269.  
Mass.  
Resolves,  
March Session,  
chap. 218.  
Mass.  
Archives,  
ccxxvii., 270,  
271.

<sup>1</sup> Massachusetts Archives, ccxxvii., 268.



## CHAPTER 1020.

RESOLVES GRANTING £2,481. 18s. TO LIEUT. COL. NEWHALL OF THE 5TH MASSACHUSETTS REGIMENT THE BALANCE DUE HIM FOR BOUNTIES PAID; DISCHARGING GEN. HEATH OF £65,846. 2s. FOR REENLISTING MEN FOR THE CONTINENTAL ARMY AND DIRECTING THE COLONELS AND COMMANDERS OF CONTINENTAL REGIMENTS WHO RECEIVED THE SAME TO ACCOUNT FOR IT BY VOUCHERS AND BALANCES.

Mass.  
Archives,  
ccxxvii., 276,  
278, 279.  
Mass.  
Resolves,  
March Session,  
chaps. 213, 214.

THE COMMITTEE of both Houses on the account of Maj. Gen. [William]<sup>1</sup> Heath and also the representation of Lieut. Col. Ezra Newhall report two Resolves, which are submitted

JOHN PITTS per Order.

Mass.  
Archives,  
ccxxvii., 277.

Whereas by a representation of Ezra Newhall, Lieutenant Colonel, Commandant of the 5th Massachusetts regiment, and a return into the Secretary's office, it appears that one Hundred and seventeen men have inlisted into said regiment during the war, and that he has paid them the sum of ninety Pounds each, amounting to Ten Thousand five Hundred and thirty Pounds, as a bounty, agreeable to a Resolve of this State for said purpose, of which sum he has received by himself and Maj. [Jonathan]<sup>2</sup> Allen of Gen. [William]<sup>1</sup> Heath, Eight Thousand and forty-eight Pounds two Shillings, and that there is now due to him Two Thousand four Hundred and eighty-one Pounds eighteen Shillings: Therefore

*Resolved*, That the aforesaid sum be paid to Ezra Newhall or his order.

Whereas it appears on examination of the account of Maj. Gen. [William]<sup>1</sup> Heath that he has received of [Henry Gardner, Esq.,]<sup>3</sup> the Treasurer of this State, by the hands of Maj. Thomas Cogswell, the sum of Sixty-five Thousand eight Hundred and forty-six Pounds two Shillings, for the purpose of reenlisting the Continental Army, that the same is right cast and well vouched, and that the said sum has been appropriated to the use aforesaid: Therefore

*Resolved*, That Maj. Gen. Heath be and hereby is discharged of the said sum of Sixty-five Thousand eight Hundred and forty-six Pounds two Shillings, which he received as abovementioned, and that the Colonels and Commanders of the Continental regiments raised in this State, among whom the said sum has been distributed by Gen. Heath for the purpose aforesaid, be accountable to this State for the respective sums received by them of Gen. Heath, either by proper vouchers of the appropriation thereof to the inlisted soldiers as aforesaid, or by paying into the State Treasury such sums as shall not be so appropriated.

In Council

Read and Sent down

In the House of Representatives.

Read and both of said Resolves passed. [*Passed April 21.*]

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vii., 684.

<sup>2</sup> *Ibid.*, i., 168.

<sup>3</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 1021.

RESOLVE GRANTING £278. 8s. TO THE TOWN OF WRENTHAM FOR TAKING CARE OF AND NURSING JOHN CAHOON WHILE UNDER OPERATION OF THE SMALLPOX IN NOVEMBER LAST.

ON THE PETITION of Lemuel Kollock in behalf of the Selectmen of the town of Wrentham praying for compensation for nursing and taking care of John Cahoon while sick with the smallpox as set forth in said Petition:

*Resolved*, That there be paid out of the publick Treasury of this State to the Selectmen of the town of Wrentham the sum of Two Hundred and seventy-eight Pounds, eight Shillings in full, for taking care of, and nursing John Cahoon while under the operation of the smallpox in November last, agreeable to their accompt. [*Passed April 21.*<sup>1</sup>

Legislative  
Records of the  
Council,  
xl., 422.  
Mass.  
Archives,  
ccxxvii., 272.

Mass.  
Archives,  
ccxxvii., 273-  
275.

## CHAPTER 1022.

RESOLVE DIRECTING THE COMMITTEE OF CORRESPONDENCE, ETC., OF DEERFIELD TO LEASE PART OF THE ESTATE OF NATHANIEL DICKINSON FOR ONE YEAR.

ON THE REPRESENTATION of the Committee of Correspondence, &c. of the Town of Deerfield, respecting a part of the estate of Nathaniel Dickinson, an absentee, which is not leased:

*Resolved*, That the said Committee be and hereby are directed to lease such part of said estate as now remains undisposed of for one year, in such manner as they shall judge will be most for the interest of this State, any Resolve to the contrary notwithstanding. [*Passed April 22.*

Legislative  
Records of the  
Council,  
xl., 384.  
Mass.  
Archives,  
ccxxvii., 280.  
Mass.  
Resolves,  
March Session,  
chap. 220.

Mass.  
Archives,  
ccxxvii., 281.

## CHAPTER 1023.

RESOLVE DIRECTING THE COMMITTEE TO SETTLE WITH THE ARMY TO SETTLE THE BALANCES DUE CAPT. DANIEL LANE.

ON THE PETITION of Capt. Daniel Lane of the late Col. [Ichabod]<sup>2</sup> Alden's regiment, praying that the Committee appointed to settle the ballances due to the officers and soldiers of the Continental Army belonging to this State, on account of the depreciation of the present currency, may be directed to settle with him:

*Resolved*, That the said Committee be and they are hereby directed to settle the ballances due to Capt. Lane, in the same manner as they settle with the officers of the army. [*Passed April 24.*<sup>3</sup>

Legislative  
Records of the  
Council,  
xl., 305.  
Mass.  
Archives,  
ccxxvii., 282.  
Mass.  
Resolves,  
March Session,  
chap. 53.

Mass.  
Archives,  
ccxxvii., 283,  
284.

<sup>1</sup> This date is May 4 according to the Legislative Records of the Council.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, i., 107.

<sup>3</sup> This date is March 22 according to Legislative Records of the Council and Massachusetts Resolves. The Council non-concurred on that date, but reconsidered and passed it on April 24.



## CHAPTER 1024.

RESOLVE EMPOWERING JOSEPH YOUNG OF CAPE ROZIER TO BRING AN ACTION AT THE NEXT INFERIOR COURT OF COMMON PLEAS AT SALEM AGAINST CORNELIUS THOMPSON AND OTHERS FOR RECOVERY OF HIS GOODS AND DAMAGES AND PERMITTING HIM TO RETURN TO HIS FAMILY UNMOLESTED, HE BEING FRIENDLY TO THE UNITED STATES THOUGH OBLIGED TO TAKE AN OATH OF ALLEGIANCE TO THE KING OF GREAT BRITAIN.

Legislative  
Records of the  
Council,  
xl., 385.  
Mass.  
Archives,  
ccxxvii., 287.  
Mass.  
Resolves,  
March Session,  
chap. 221.

Mass.  
Archives,  
ccxxvii., 288-  
299.

THE COMMITTEE of both Houses that were appointed to consider the petition of Joseph Young of Cape Rozua<sup>1</sup> [Rozier],<sup>2</sup> representing that on the 22d of February last his house was broke open by one Cornelius Thompson and others, and robbed of a number of articles, have attended that service, and find the facts set forth in said petition are true; and further the Committee find that the said Joseph has been friendly to the United States of America, notwithstanding under his present distressed and difficult situation and circumstances he has been obliged to take an oath of allegiance to the king of Great Britain, therefore beg leave to report the following Resolve:

BENJAMIN WHITE per Order

*Resolved*, That the said Joseph Young be and he hereby is empowered to bring an action at the next Inferior Court of Common Pleas to be holden at Salem, within and for the county of Essex, against Cornelius Thompson and others, for the recovery of his goods and damages, and that he be permitted to return to his family unmolested.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed April 24.*]

## CHAPTER 1025.

Legislative  
Records of the  
Council,  
xl., 386.  
Mass.  
Archives,  
ccxxvii., 302.  
Mass.  
Resolves,  
March Session,  
chap. 223.

Mass.  
Archives,  
ccxxvii., 303,  
304.

RESOLVE ENTITLING WILLIAM RIDEOUT, WHO LOST BOTH EYES IN THE SERVICE OF THE UNITED STATES AND IS DISCHARGED FROM THE CORPS OF INVALIDS, HALF PAY AS A PENSIONER FROM FEBRUARY 16, 1780.

ON THE REPRESENTATION of John Lucas, Commissary of pensioners, in behalf of William Rideout, late of Col. [Edward]<sup>3</sup> Wigglesworth's regiment, having served three years in the service of the United States of America, in which service he lost the sight of both his eyes, and is discharged [from] the Corps of Invalids, being unfit for any kind of duty.

*Resolved*, That William Rideout receive half pay as a pensioner from February 16th 1780. [*Passed April 25.*]

<sup>1</sup> Massachusetts Archives, ccxxvii., 296, "neigh Majorbigwaduc in the County of Lincoln." Legislative Records of the Council and Massachusetts Resolves give it as Cape Pursue, now Yarmouth, N. S. *Ante*, p. 180, chap. 375.

<sup>2</sup> Maine Register.

<sup>3</sup> Massachusetts Archives, Muster Rolls, xxvi., 142.



## CHAPTER 1026.

RESOLVE PERMITTING MARY BARRELL, WIFE OF THEODORE BARRELL, HER TWO CHILDREN AND MAID SERVANT TO GO TO ENGLAND BY THE WAY OF PROVIDENCE AND NEW YORK AND NOT TO RETURN WITHOUT LEAVE OF THE GENERAL COURT.

THE COMMITTEE of both Houses to whom was committed the Petition of Theodore Barrell, report the following Resolve:

JOHN PITTS per Order.

On the Petition of Theodore Barrell praying, for reasons set forth in said Petition, that his wife Mary Barrell, two children and maid-servant, with their baggage, may be permitted to proceed to Providence in the State of Rhode-Island in order to take passage in the cartel for New York, from thence to go to England, and that they may have liberty to return to this State:

*Resolved*, That the prayer of the petition be so far granted that the aforesaid Mary Barrell, her two children and maid-servant, with their baggage, be and hereby are permitted to depart this State to go to Providence, in the State of Rhode Island, in order to take passage in the cartel there for New York, and from thence to proceed for England, and that they do not carry any papers or letters without being inspected by the Council, or such person as they shall appoint; and that [Joseph Henderson, Esq.,]<sup>1</sup> the Commissary of prisoners be and hereby is directed to inspect their baggage to see that they do not carry papers or letters that will be prejudicial to this or any of the United States. And it is also

*Resolved*, That the said Mary, and others aforesaid, shall not be permitted to return to this State without leave first had and obtained from the General Court.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed April 25.*]

Legislative  
Records of the  
Council,  
xl., 387.  
Mass.  
Archives,  
ccxxvii., 307.  
Mass.  
Resolves,  
March Session,  
chap. 224.  
Mass.  
Archives,  
ccxxvii., 308.

## CHAPTER 1027.

RESOLVES GRANTING £3,000 ADDITIONAL TO THE DELEGATES NOW IN THIS STATE WHO SHALL PROCEED TO THE CONTINENTAL CONGRESS AND ALLOWING THEM TO DRAW BILLS OF EXCHANGE UPON THE TREASURER PAYABLE UPON SIGHT FOR SUCH SUMS OF MONEY AS THEY MAY REQUIRE TO DEFRAY THE EXPENSES BY THEM INCURRED IN DISCHARGE OF THEIR DUTY.

WHEREAS the Grants heretofore made to the Delegates appointed to represent this State in Congress are insufficient to enable them to proceed on the important business assigned them: Therefore

*Resolved*, That there be allowed and paid out of the public Treasury of this State to each of the said Delegates now in this State, and who shall proceed to Congress on or before the 1st day of June next, the sum of Three Thousand Pounds, in addition to the sum already granted them, they to be accountable for the same. And it is further

*Resolved*, That the several Delegates of this State at Congress may respectively draw bills of exchange upon [Henry Gardner, Esq.,]<sup>2</sup> the Treasurer of this State, payable upon sight, for such sums of money as they may respectively require to defray the ex-

Legislative  
Records of the  
Council,  
xl., 387.  
Mass.  
Archives,  
ccxxvii., 310.  
Mass.  
Resolves,  
March Session,  
chap. 222.  
*Ante*, p. 273,  
chap. 583.

<sup>1</sup> *Ante*, p. 60, chap. 110.

<sup>2</sup> *Ante*, p. 337, chap. 734.



pences by them incurred in the discharge of their duty as Delegates; each of them to be accountable to this State for the sums of money paid in discharge of the said bills by him drawn; and the said bills shall be paid upon sight by the Treasurer of this State without any further order or authority therefor than this Resolution. [*Passed April 25.*]

## CHAPTER 1028.

RESOLVES FOR REENLISTING ONE COMPANY FROM THE SEVERAL COMPANIES OF ARTILLERY NOW SERVING UNDER LIEUT. COL. REVERE OR OTHERWISE, TO SERVE DURING THE WAR; MAKING AN ESTABLISHMENT FOR THE SAME; DIRECTING THE BOARD OF WAR TO FURNISH THE GARRISONS FOR THE CASTLE AND GOVERNOR'S ISLAND WITH NECESSARIES AND SUPPLYING THE COMMITTEE FOR FORTIFYING WITH £50,000 FOR COMPLETING THE WORKS ON SAID ISLANDS.

Legislative  
Records of the  
Council,  
xl., 388.  
Mass.  
Archives,  
ccxxvii., 212-  
216.  
Mass.  
Resolves,  
March Session,  
chap. 226.

*Ante*, p. 99,  
chap. 189.

*Resolved*, That there be re-inlisted from the several artillery companies now serving under Lieut. Col. [Paul]<sup>1</sup> Revere, or otherways, one company, to serve for three years or during the war (unless sooner discharged) from the 8th day of May next; said company to consist of one Captain, one First Lieutenant, two Second Lieutenants, four Serjeants, four Corporals, ten Gunners, four Bombardiers, one Drum, one Fife, and seventy-six Matrosses, and that the said officers and men shall receive the following pay per calendar month, viz.

Captain fifty Dollars,  
Lieutenants, thirty three and one third,  
Serjeants, ten Dollars,  
Corporals, nine Dollars,  
Gunners, eight Dollars and two thirds,

Bombardier, nine Dollars,  
Matross, eight Dollars and one third,  
Drum, eight Dollars and two thirds,  
Fife, eight Dollars and two thirds,

and rations as allowed to the companies of artillery in the Continental service, and that each non-commissioned officer and soldier be allowed a suit of cloaths yearly, whilst in said service. And the Honorable the Major Part of the Council are requested to appoint and commission suitable persons for the officers of said company. And the inlisting orders to be in the following manner, viz.

To

You are hereby impowered immediately to re-inlist from the several companies now under the command of Lieut. Col. Revere, or otherways, one company, to consist of one Hundred able-bodied effective men, including non-commissioned officers and matrosses, as matrosses in the service of and for the defence of this State, or any of the United States, upon the establishment fixed by the General Court on the Day of April A.D. 1780, to continue in that service for the term of three years or during the war, unless sooner discharged, from the 8th day of May 1780. And that you cause said men when so inlisted, to pass muster before the Muster-Master for the county of Suffolk, as soon as may be, the non-commissioned officers to be appointed by the Captain and Subalterns of said company.

The Inlistment to be in Form following, viz.

We the subscribers do hereby severally inlist ourselves into the service of the State of Massachusetts-Bay, to continue in that service for the term of three years or during the war, unless sooner

<sup>1</sup> *Ante*, p. 99, chap. 189.



regularly discharged to do duty in this or any of the United States, as the General Court of this State, or the Council in the recess thereof shall order: We engage faithfully to observe and obey all such orders as we from time to time shall receive from our officers, and to be under such regulations in every respect as are or may be provided for the troops in the pay of this State.

Dated this            day of            A. D. 1780.

And also

*Resolved*, That said company shall be subject to do duty in any of the United States, but shall however not be removed out of this State without the orders of the General Court, or in the recess thereof by the Council, and in case of removal out of this State, or in doing duty in conjunction with Continental Troops within this State, they shall be intitled to such further allowance as the Court shall judge the circumstances may make reasonable.

*Resolved*, That there be allowed and paid out of the public Treasury of this State unto each non-commissioned officer and private soldier enlisted into the company raised agreeable to the Resolve aforesaid, one Hundred Dollars as a bounty, to be paid them on their passing muster.

*Resolved*, That the commissioned officers of said company shall be furnished with cloathing by the Board of War, upon the same terms as the officers are in the Continental Army of the same rank serving for this State.

*Resolved*, That the matrosses for the fortresses on the sea-coast be augmented to the same number they were in the summer season of the last year.

*Resolved*, That the Board of War be and they are hereby directed to furnish as soon as may be the several articles mentioned in the annexed schedule for the Castle and Governor's Island. Also they are further directed to furnish the said garrison with such a number of small-arms and cartouch-boxes as the Commanding Officer shall require for the men already there.

*Resolved*, That the Committee for fortifying be supplied out of the public Treasury of this State with the sum of Fifty Thousand Pounds, to be expended by them forthwith in compleating the works at Castle-Island and Governor's-Island, they to be accountable for the expenditure of the same, agreeable to a memorandum annexed. [*Passed April 27.*]

[The Schedule and the Memorandum follow.]

*For the Castle.*

Two Hundred rounds of powder and ball for 50 cannon allowing ten pounds of powder for each cannon is One Thousand barrels of powder.

10 Thousand of round shot, grape shot, cannister and langrage

The 42 pounders wont bear more than 10 lb. of powder for action.

The 32 pounders will bear  $\frac{1}{2}$  of the weight of the ball for the charge of powder.

Three Thousand pickets of 7 Inches diameter and nine feet long for friezing.

Four Thousand feet of plank for platforms.

Gunnors and Matrosses for 50 cannon at 6 men each cannon is 300 men.

Two Thousand troops in time of action, besides Gunnors and Matrosses.

If the barracks are not sufficient for the men, they must have tents, as the season for attack will admit of tents,

*For Governours Island Fort.*

340 barrels of powder for 17 cannon, two Hundred rounds.

3,400 round shot, grape shot, cannister and langrage.

100 Gunnors and Matrosses.

700 troops in time of action.

1,100 picketts for friezing.

One Thousand feet of plank for platforms.

Boston, March 20, 1780.

RICHARD GRIDLEY, Chief Engineer.



Memorandum: Wanted to compleat the lines at Castle-Island.

South-West lines: The flat bastion partly done; About one Hundred and twenty feet of parapet to eastward of bastion wants to be compleated, with the ditch before it; Parapet to Westward of said bastion, about four Hundred feet, with the ditch before it, wants to be compleated; North-West line began, wants to be compleated and join the North line, with a sally-port or gate to enter the North lines; the whole to be fraized all round.

The whole works to be fraized all round

WILLIAM BURBECK Engineer.

CASTLE ISLAND, 3 April 1780.

## CHAPTER 1029.

RESOLVE DIRECTING THE COMMITTEE TO SETTLE WITH ARMY TO MAKE GOOD THE DEPRECIATION OF PAY TO TIMOTHY WHITING, JR., QUARTERMASTER OF THE GARRISON AT WEST POINT, N. Y., THE SAME AS THE OTHER STAFF OFFICERS IN THE FIFTEEN BATTALIONS.

Legislative  
Records of the  
Council,  
xl., 391.  
Mass.  
Archives,  
ccxxvii., 317.  
Mass.  
Resolves,  
March Session,  
chap. 228.

Mass.  
Archives,  
ccxxvii., 318.

ON THE PETITION of Timothy Whiting, in behalf of Timothy Whiting, junior, Q.M. of the garrison at West-Point, praying that the depreciation may be made good to him as it is to officers in the line of equal rank:

*Resolved*, That the prayer of the petition be granted, and that the Committee for settling with the army be and they hereby are directed to make good the depreciation to said Whiting according to his pay, agreeable to the other staff-officers in the fifteen battalions. [*Passed April 27.*]

## CHAPTER 1030.

RESOLVES EMPOWERING WILLIAM WHITING, ESQ., OF GREAT BARRINGTON TO ISSUE A WARRANT FOR A MEETING IN MAY NEXT TO ELECT TOWN OFFICERS USUALLY CHOSEN IN MARCH, TO INSERT IN SAID WARRANT THE SEVERAL ARTICLES TO BE ACTED UPON AND DECLARING THAT IF THE MAJOR PART OF THE LEGAL VOTERS PRESENT AT SAID MEETING SHOULD REFUSE TO PROCEED TO THE CHOICE OF A MODERATOR OR ANY OF THE TOWN OFFICERS THEN THE MAJOR PART OF SUCH LEGAL VOTERS AS ARE DISPOSED TO, MAY PROCEED TO SUCH CHOICE, WHICH SAID TOWN OFFICERS SHALL BE DEEMED AND TAKEN TO BE LEGAL TOWN OFFICERS AS IF THEY HAD BEEN CHOSEN AT AN ANNUAL MARCH MEETING.

Legislative  
Records of the  
Council,  
xl., 391.  
Mass.  
Archives,  
ccxxvii., 311.  
Mass.  
Resolves,  
March session,  
chap. 227.

Mass.  
Archives,  
ccxxvii., 312.  
*Ante*, p. 448,  
chap. 992.

UPON THE MEMORIAL AND REPRESENTATION of Hewit Root and others, inhabitants of the town of Great-Barrington, in the county of Berkshire:

*Resolved*, That William Whiting, Esq., of Great-Barrington afore-said, be and he hereby is authorized and directed to issue his warrant to some suitable person of said town, requiring him to warn the freeholders and other inhabitants of said town qualified by law to vote in town-affairs, to assemble and meet in town-meeting at such time and place as he shall think proper, in the month of May next, for the purpose of electing all such town-officers as incorporated towns by law are directed to choose in the month of March annually, and to insert in his said warrant the several articles to be acted upon in said town-meeting. And it is further

*Resolved*, That if the major part of the legal voters present at said meeting should refuse to proceed to the choice of a Modera-



tor for that meeting, or any of the town-officers aforesaid, then the major part of such legal voters as are disposed to proceed to such choice may accordingly proceed to the choice of a Moderator and the town-officers aforesaid, which town-officers so chosen shall be deemed and taken to be legal town-officers of said town for the year ensuing, as fully to all intents and purposes as if they had been duly and legally chosen at an annual March Meeting in said town for the present year. [*Passed April 27.*]

## CHAPTER 1031.

RESOLVE GRANTING JOHN MCCLARY, WHO CONTRACTED A LAMENESS IN THE PUBLIC SERVICE, ONE THIRD OF HIS PAY AS A PENSIONER FROM DECEMBER 24, 1779.

Legislative  
Records of the  
Council,  
xl., 392.  
Mass.  
Archives,  
ccxxvii., 319.  
Mass.  
Resolves,  
March Session,  
chap. 225.

ON THE REPRESENTATION of John Lucas, Commissary of Pensioners, in behalf of John McClary, a Serjeant in Capt. Benjamin Walcot's company, in Col. Thomas Marshall's regiment, that the said John is unfit for any kind of guard or garrison duty, by reason of a lameness contracted whilst in the public service:

*Resolved*, That John McClary is intitled to one third of his pay as a pensioner, to commence from December 24, 1779. [*Passed April 27.*]

Mass.  
Archives,  
ccxxvii., 320.

## CHAPTER 1032.

RESOLVE GRANTING \$300 TO THOMAS CLOWES AS BOUNTY HE HAVING REENLISTED DURING THE WAR.

ON THE PETITION of Thomas Clowes setting forth that he has, reenlisted during the WAR and has not received the State's bounty:

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be and he hereby is directed to pay out of the public Treasury unto Thomas Clowes Three Hundred Dollars, in full for his bounty from this State. [*Passed April 28.*]

Legislative  
Records of the  
Council,  
xl., 392.  
Mass.  
Resolves,  
March Session,  
chap. 231.

## CHAPTER 1033.

RESOLVE REQUESTING THE POSTMASTER-GENERAL TO ESTABLISH A SPEEDIER POST BETWEEN BOSTON AND FALMOUTH, CUMBERLAND COUNTY, AND APPOINTING THE HON. SAMUEL FREEMAN, ESQ., TO AGREE WITH A PERSON TO RIDE IN THE MEANTIME BETWEEN FALMOUTH AND PORTSMOUTH TO CONNECT THERE WITH THE POST TO AND FROM BOSTON.

WHEREAS it appears to this Court, that the present regulation of the Posts who ride from Boston to Falmouth is attended with great delay, whereby not only individuals but the public are in a great measure deprived of the benefits which might otherwise arise from the establishment of Posts: Therefore

*Resolved*, That [Jeremiah Powell, Esq.,]<sup>2</sup> the President of the Council be requested to write a letter to the Delegates of this State at Congress, directing them to make application to the Post-Master-General, to order that the regulation aforesaid be so altered, as that the mails may be carried from one of the said places to the other and back again, in the course of every week, and that the Hon. Samuel Freeman, Esq., be a Committee to agree with some person to ride in the mean time

Legislative  
Records of the  
Council,  
xl., 393.  
Mass.  
Archives,  
ccxxvii., 323.  
Mass.  
Resolves,  
March Session,  
chap. 229.

Mass.  
Archives,  
ccxxix., 354.

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> Legislative Records of the Council xl., 392.



between Falmouth and Portsmouth, in such a manner as that he set out from the last mentioned place immediately on the arrival of the Post from Boston, and return to Portsmouth before the Post sets out therefrom to return to Boston. Such rider to continue in the service for the term of six months, or until the further order of the General Court, and to carry all public letters which may be ordered to be sent to or from the Eastern parts of the States; such as shall be sent from Boston to be sent to the care of the Post-Master at Portsmouth, who is requested to deliver them to said rider, and he the said rider is directed to put into the Post-Office at Portsmouth all letters which may be directed to be sent from the said Eastern parts of the State to Boston. [*Passed April 28.*]

## CHAPTER 1034.

RESOLVE GRANTING £9 PER DAY, ADDITIONAL, TO COL. LEWIS DE MARESQUELLES TO COMMENCE JAN. 1, 1780 AND CONTINUE UNTIL FURTHER ORDER.

Legislative  
Records of the  
Council,  
xl., 393.  
Mass.  
Archives,  
ccxxvii., 324.  
Mass.  
Resolves,  
March Session,  
chap. 230.

THE COMMITTEE appointed to consider the petition of Lewis de Maresquelles praying for such further allowance as may be thought more equal to his original contract, have attended that service and ask leave to report the following facts: viz.

Mass.  
Archives,  
ccxxvii., 325.  
Province  
Laws, xix., 774,  
chap. 786.

In December 1776, the General Court of this State made a grant to the said Lewis of One Thousand Dollars per year during the continuance of the present War, and two thirds of said sum annually during his natural life upon certain conditions, which conditions he has fulfilled in part, and has ever discovered a readiness to perform the whole had the State enabled him to do it. And that in the month of June last, the General Court made him a grant of ten Dollars per day, in addition to his former grant, on account of the depreciation of the currency.

That as the currency has greatly depreciated since the last grant was made, the sums already granted are very inadequate to the original contract. Your Committee therefore beg leave to report the following Resolve:

*Resolved*, That there be allowed and paid out of the public Treasury to Col. Lewis de Maresquelles the sum of nine Pounds per day, in addition to the sums already granted, to commence the 1st day of January last, and continue until the further order of the General Court.

In the House of Representatives

Read and Accepted

In Council

Read and Concurred. [*Passed April 28.*]

## CHAPTER 1035.

Legislative  
Records of the  
Council,  
xl., 394.  
Mass.  
Archives,  
ccxxvii., 326.  
Mass.  
Resolves,  
March Session,  
chap. 232.

VOTE CHOOSING CAPT. AMASA CRANSON SECOND MAJOR IN THE 4TH REGIMENT IN MIDDLESEX COUNTY.

In the House of Representatives

The House, by Ballot, made choice of Capt. Amasa Cranson as Second Major of the 4th Regiment of Militia, in the County of Middlesex.

In Council

Read and Concurred. [*Passed April 28.*]



## CHAPTER 1036.

RESOLVE GRANTING A LOAN OF £6,000 TO THOMAS CHASE, DEPUTY QUARTERMASTER GENERAL, TO ENABLE HIM TO COMPLY WITH ORDERS OF GEN. LAFAYETTE.

Legislative  
Records of the  
Council,  
xl., 394.  
Mass.  
Archives,  
ccxxvii., 327.  
Mass.  
Resolves,  
March Session,  
chap. 239.

ON THE PETITION of Thomas Chase, praying for the loan of some money, to enable him to comply with the orders of Maj. Gen. [Marie Jean Paul Roch Yves Gilbert du Motier]<sup>1</sup> Marquis de la Fayette:

*Resolved*, That there be paid out of the public Treasury of this State to Thomas Chase, D.Q.M.G. the sum of Six Thousand Pounds, he to be accountable, and repay the same into the Treasury aforesaid. [*Passed April 29.*]

Mass.  
Archives,  
ccxxvii., 323.

## CHAPTER 1037.

RESOLVE DIRECTING THE BOARD OF WAR TO FORWARD WHALE-BOATS TO BROAD BAY TO CONVEY THE DETACHMENT TO MACHIAS UNDER BRIGADIER WADSWORTH AND TO SEND TWO EIGHTEEN POUND CANNON AND THREE FOUR-POUNDERS WITH THIRTY ROUNDS OF AMMUNITION TO FALMOUTH, CUMBERLAND COUNTY.

Legislative  
Records of the  
Council,  
xl., 395.  
Mass.  
Archives,  
ccxxvii., 329.  
Mass.  
Resolves,  
March Session,  
chap. 236.

*Resolved*, That the Board of War be directed to forward a sufficient number of whale-boats to Broad Bay, for the purpose of conveying the detachment destined to Machias, and that said detachment be embarked under the direction of Brig. [Peleg]<sup>2</sup> Wadsworth. And that the Board of War also send forward to Falmouth two eighteen pound cannon, and three four pounders, with thirty rounds each. [*Passed April 29.*]

Mass.  
Archives,  
ccxxv., 91.  
*Ante*, p. 412,  
chap. 895.

## CHAPTER 1038.

RESOLVE GRANTING £200 TO SARAH LEWIS TO RELIEVE HER DESTITUTE CONDITION.

ON THE PETITION of Sarah Lewis:

*Resolved*, That there be paid out of the public Treasury of this State the sum of two Hundred Pounds to Sarah Lewis, for reasons set forth in her petition. [*Passed April 29.*]

Legislative  
Records of the  
Council,  
xl., 395.  
Mass.  
Archives,  
cxxxvi., 192a.  
Mass.  
Resolves,  
March Session,  
chap. 233.

[The petition follows:]

*To the Honourable the Council and the Honourable the House of Representatives of the State of Massachusetts-Bay.*

Humbly Sheweth, Sarah Lewis, That Waitstill Lewis my husband, with your Petitioner some years since, went from Rhode-Island to Halifax, where we kept a public House, and by keeping good order lived in much reputation, and got considerably before hand. But at the commencement of hostilities between Great Britain and the Colonies, and hearing of the fight at Concord, my husband was like a distracted man to get away from Halifax, to help his country where he was born against the British King, and as he could not get away directly from Halifax, he went to Liverpool with his family, and got to Boston directly upon the Troops leaving it, and left almost every thing behind, and said he had rather be a beggar in his own country with Liberty, than a rich man at Halifax under the then present government, and after giving all the help he could to the War, thinking to do better for his large family, to get two and half shares he went Steward on board the Sturdy Beggar Privateer, almost three years ago; which Vessel is supposed was foundered at Sea. This grievous affliction was most severely felt by your Petitioner, but a kind providence kept me along with the assistance of my son, who went to Sea, and was exceeding

Mass.  
Archives,  
cxxxvi., 191.

<sup>1</sup> Heitman, Historical Register of the Officers of the Continental Army, 1914.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xvi., 381.



kind and tender of his Widdow Mother, He was in the West Indies last Summer, and gave an acquaintance of his hard money, to buy a barrel of sugar and a bag of coffee to bring home for me, but the man sold it, and spent the money, and I was not able to get any more than three hundred paper dollars for it, but this with hard labour, and a few dollars from one and another I have rubbed through the Winter. Where my Son above-mentioned is, I know not but believe he sailed last out of Maryland, where I hope soon to hear from him, and have some relief, My next Son of fourteen years old went with Capt. Dillaway, thinking to get something to assist me, a few months ago, and was taken and is now in Gaol with the Enemy. And I have four Children now at home with me, the oldest but nine years old who turns wheel for a twine spinner for a dollar a day and I find him victuals. The next is a little tender girl of six years old. The next four, and the next a little better than two, and was born six months after my Husband went away. And I have a breeding sore in my hand that adds greatly to my other troubles, as it prevents me from labouring. And your Petitioner is now in great distress, almost to distraction. Knowing not which way to turn, or go, and must without some help sell my bed from under me, to pay my rent and get some necessities. Your Petitioner feels grieved to trouble your Honours with her case, but great and pressing necessity urges me, and I would not apply did I know of any other way in the world where to get relief in an honest way. I therefore most earnestly pray your Honours would hear me, and as I can bring sufficient evidence to the truth of my Representation, I hope for that relief which your Honours from your compassion and benevolence to the Widdow and Fartherless who has none other to help, shall seem meet to bestow, and your Petitioner as in duty bound will ever pray.

SARAH LEWIS.

BOSTON, April 27<sup>th</sup> 1780.

## CHAPTER 1039.

RESOLVE DIRECTING THE COMMITTEE TO SELL ABSENTEES ESTATES IN WORCESTER COUNTY TO CONVEY 205 ACRES AND 14 RODS OF LAND IN HOLDEN, LATE BELONGING TO ELIAKIM HUTCHINSON OF ROXBURY, ABSENTEE, TO JOSIAH CHENEY.

Legislative  
Records of the  
Council,  
xl., 395.  
Mass.  
Archives,  
ccxxvii., 355.  
Mass.  
Resolves,  
March Session,  
chap. 238.

Mass.  
Archives,  
ccxxvii., 356.

ON THE MEMORIAL AND PETITION of Josiah Cheney of Holden, in the county of Worcester, praying that he might have an absolute title to two Hundred and five acres and fourteen rods of land lying in said town of Holden, which he the said Josiah Cheney bought of Eliakim Hutchinson, late of Roxbury, an absentee, for reasons set forth in his memorial: Therefore

*Resolved*, That the prayer of said memorial be so far granted as that the Committee appointed to sell the absentees estates in the county of Worcester be and they are hereby empowered and directed to make and execute a good and sufficient deed of said land to the said Josiah Cheney, he the said Josiah first paying into the hands of the said Committee such sum of money for the same as they may judge adequate, all circumstances considered. [*Passed April 29.*]

## CHAPTER 1040.

RESOLVES DIRECTING GEN. CUSHING TO DELIVER FIREARMS RETURNED FROM THE PENOBSCOT EXPEDITION TO GEN. WADSWORTH AND RECOMMENDING THE CONTINENTAL COMMISSARY AND QUARTERMASTER GENERAL TO REPLACE THE ARTICLES WHICH THE BOARD OF WAR HAS FURNISHED THE TROOPS IN THE EASTERN DEPARTMENT AND TO APPOINT DEPUTIES AT FALMOUTH TO RECEIVE SAME.

*Resolved*, That Brig. Gen. [Charles]<sup>1</sup> Cushing be directed to deliver to Brig. Gen. [Peleg]<sup>2</sup> Wadsworth or his order, so many of the fire-arms returned unto him from the late expedition at Penobscot as he shall apply for, taking said Wadsworth's receipt to be accountable for the same.

Legislative  
Records of the  
Council,  
xl., 396.  
Mass.  
Archives,  
ccxxvii., 353.  
Mass.  
Resolves,

<sup>1</sup> *Ante*, p. 91, chap. 175.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xvi., 381.



And whereas by a Resolve of Congress of the 8th instant this State is impowered to raise a number of men on Continental pay and rations, for the defence of the Eastern part of this State:

*Resolved*, That it be recommended to the Continental Commissary and Quarter-Master-General in this department, to replace the several articles in each of their departments, which the Board of War have furnished for the troops now on service, in the aforesaid Eastern parts of this State, and that they make suitable provision for future supplies, and that they appoint each of them a Deputy at Falmouth, for the purpose of receiving said stores, when so sent. [*Passed April 29.*]

March Session,  
chap. 234.

Mass.  
Archives,  
ccclxxxv., 91.  
*Ante*, p. 467,  
chap. 1037.

## CHAPTER 1041

RESOLVE SETTING A HEARING ON A NEW TRIAL IN THE CASE OF JOHN THOMAS, OF PLYMOUTH, AGAINST HANNAH THOMAS, EXECUTRIX OF GEN. THOMAS, LATE OF KINGSTON, DECEASED, LATELY TRIED IN THE INFERIOR COURT OF COMMON PLEAS AT PLYMOUTH AND STAYING JUDGMENT OF THE SAME.

UPON THE PETITION of Hannah Thomas of Kingston, executrix to the last will and testament of Gen. [John]<sup>1</sup> Thomas, late of Kingston, deceased, praying for a new trial in certain controversies and actions, which have lately been tried and determined in the Inferior Court of Common Pleas within and for the county of Plymouth, at the last term of said Court, between John Thomas of Plymouth, in said county, and herself in her said capacity, for reasons set forth in said petition:

*Resolved*, That the petitioner, Hannah Thomas, notify the said John Thomas of Plymouth that he appear, if he see fit, on the 2nd Wednesday of the next sitting of the General Assembly to shew cause, if any he have, why the prayer of said petition should not be granted, and that she serve the said John Thomas with a copy of the said petition and this Resolution, and that in the mean time the execution in favour of the said John Thomas against said petitioner, in consequence of the judgment recovered against her at the aforesaid term, be stayed until the final determination of the General Assembly on said petition. [*Passed April 29.*]

Legislative  
Records of the  
Council,  
xl., 396.  
Mass.  
Archives,  
ccxxviii., 184.  
Mass.  
Resolves,  
March Session,  
chap. 235.

Mass.  
Archives,  
ccxxviii., 186,  
188.  
Province  
Laws, xx., 267.  
chap. 101.

## CHAPTER 1042.

RESOLVE GRANTING £15,000 TO THE COMMITTEE TO PURCHASE SMALL STORES FOR THE ARMY.

*Resolved*, That there be paid out of the public Treasury of this State to the Committee appointed to purchase and send forward stores to the army, the sum of Fifteen Thousand Pounds, they to be accountable for the sums they respectively receive. [*Passed April 29.*]

Legislative  
Records of the  
Council,  
xl., 397.  
Mass.  
Archives,  
ccxxvii., 354.  
Mass.  
Resolves,  
March Session,  
chap. 237.

<sup>1</sup> Province Laws, xx., 267, chap. 701.



## CHAPTER 1043.

RESOLVE CORRECTING AND CONFIRMING THE RESOLVE OF NOVEMBER 23, LAST, EMPOWERING THE GUARDIAN OF ALPHEUS MORE, A MINOR, TO SELL LAND IN HOLDEN IN ORDER TO GIVE HIM AN ACADEMICAL EDUCATION.

Legislative  
Records of the  
Council,  
xl., 398.  
Mass.  
Archives,  
ccxxvii., 364.  
Mass.  
Resolves,  
March Session,  
chap. 242.

*Ante*, p. 259,  
chap. 550.

WHEREAS a Resolve passed the General Court in their session of November 22, 1779, on the petition of Loring Lincoln of Brookfield, in the county of Worcester, guardian to Alpheus More, a minor, praying for liberty to sell two pieces of land, one of about twenty acres, lying in the town of Holden, and about thirty acres of land lying in the town of Paxton, belonging to said minor, to enable said guardian to give said Alpheus an academical education, and in said petition and Resolve, through a mistake, Artemas was inserted instead of Alpheus, and thirty acres in Holden instead of twenty: Therefore

*Resolved*, That said Loring Lincoln be and he hereby is empowered to make sale of twenty acres of land in said Holden, for the purposes set forth in the Resolve of November 22, 1779, conforming thereto, excepting in the mistake above mentioned. [*Passed May 1.*]

## CHAPTER 1044.

RESOLVE EMPOWERING JOSEPH OTIS AND DAVID THATCHER, ESQUIRES, JUSTICES OF THE PEACE FOR THE COUNTY OF BARNSTABLE, QUORUM UNUS, TO LICENSE OTIS LORING TO KEEP A TAVERN IN BARNSTABLE UNTIL THE NEXT COURT OF GENERAL SESSIONS HOLDEN THERE FOR THE BETTER ACCOMMODATION OF THE COURTS OF JUSTICE.

Legislative  
Records of the  
Council,  
xl., 398.  
Mass.  
Archives,  
ccxxvii., 362.  
Mass.  
Resolves,  
March Session,  
chap. 240.

WHEREAS it appears to be necessary for the better accommodation of the Courts of Justice in the county of Barnstable at their respective Sessions, that some person near the Court house in said county other than those now licenced in the town of Barnstable, should be licenced to keep a house of public entertainment: Therefore

*Resolved*, That Joseph Otis and David Thatcher, Esquires, two of the Justices of the Peace for the said county, *Quorum Unus*, be and hereby are empowered to licence Otis Loring of Barnstable aforesaid, to keep a tavern in the house wherein he now lives, until the Court of General Sessions of the Peace shall be holden within and for said county of Barnstable, on the 4th Thursday of June next, the said Otis Loring recognizing before said Justices to keep good order and rule in his said house the time aforesaid, in such manner as innholders are by law directed to recognize, the said Otis Loring first producing a certificate of approbation from the major part of the Selectmen of said town of Barnstable. [*Passed May 1.*]

## CHAPTER 1045.

RESOLVE GRANTING £12,000 TO GEN. HANCOCK FOR HIS SERVICES AND EXPENSES AT THE RHODE ISLAND EXPEDITION.

Legislative  
Records of the  
Council,  
xl., 399.  
Mass.  
Resolves,  
March Session,  
chap. 241.

*Resolved*, That there be paid out of the public Treasury of this State to Maj.-Gen. [John]<sup>1</sup> Hancock the sum of Twelve Thousand Pounds in full for his services and expences at the expedition on Rhode-Island. [*Passed May 1.*]

<sup>1</sup> *Ante*, p. 128, chap. 252.



## CHAPTER 1046.

VOTE ACCEPTING THE RESIGNATION OF GIDEON FREEMAN, MAJOR  
IN THE 2D REGIMENT IN BARNSTABLE COUNTY.

EASTHAM, Sept. 6th, 1779.

Mass.  
Archives,  
ccxxvii., 365.

To the honorable Council and House of Representatives of the  
State of Massachusetts-Bay.

May it please your Honors,

With gratitude I acknowledge the favor and honor of a Commission granted (sometime since) to me by the honorable Council of this State to serve as a Major of Officers in the 2nd Regiment in the County of Barnstable under Col. [Joseph]<sup>1</sup> Doane which office I have executed according to the best of my abilities hitherto. The death of Col. Doane having rendered it necessary there should be a new arrangement of Officers in this Regiment, I now beg leave to inform your Honors that want of health obliges me to quit the service and to pray your Honors to accept the resignation of my Commission. With gratitude I subscribe your Honors obliged and in other respects obedient humble servant.

GIDEON FREEMAN.

In the House of Representatives

Read and Accepted

In Council

Read and Concurred. [*Passed May 1.*]

## CHAPTER 1047.

RESOLVES DIRECTING THE COMMITTEE TO SETTLE WITH THE ARMY TO SETTLE THE DEPRECIATION OF THE PRIVATES IN THE CORPS OF ARTIFICERS RECKONING THEIR WAGES AT £3 PER MONTH, HAVING REGARD TO ALL EXTRA PAY AND NOT TO GRANT CERTIFICATES OF BALANCES TO DISCHARGED SUPERNUMERARY OFFICERS IN THIS STATE'S QUOTA OF THE CONTINENTAL ARMY UNTIL THOSE IN ACTUAL SERVICE ARE SETTLED WITH.

ON THE REPRESENTATION of the Committee appointed to settle with the army, desiring the directions of the Court in several matters relative to settling said accounts:

*Resolved*, That the Committee for settling with the army be and hereby are directed, in settling with the privates in the Corps of artificers that were enlisted for three years or during the war, in order to make good the depreciation of their wages, agreeable to the original establishment, to reckon the same at three Pounds per month, and no more, having regard to all extra pays by them received. And it is further

*Resolved*, That the said Committee be and hereby are directed not to grant certificates for the ballances, or any part of the same that may be due to any discharged or supernumerary officers in this State's quota of the Continental Army, for the depreciation of their wages, until those that are in actual service and are applying for certificates be settled with. [*Passed May 1.*]<sup>2</sup>

Legislative  
Records of the  
Council,  
xl., 397.  
Mass.  
Archives,  
ccxxvii., 363.  
Mass.  
Resolves,  
March Session,  
chap. 254.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, iv., 806.

<sup>2</sup> This date is same in Legislative Records of the Council, but May 3 according to Massachusetts Resolves.



## CHAPTER 1048.

RESOLVE EMPOWERING MAJ. MANASSEH KEMPTON OF DARTMOUTH TO MUSTER ALL MEN THAT MAY BE ENLISTED INTO THE COMPANY OF ARTILLERY AT DARTMOUTH BY LIEUT. WILLIAM GORDON.

Legislative  
Records of the  
Council,  
xl., 399.  
Mass.  
Archives,  
ccxxvii., 361.  
Mass.  
Resolves,  
March Session,  
chap. 247.

*Ante*, p. 462,  
chap. 1028.

WHEREAS a Resolve passed in the General Assembly on the 27th of April last, for inlisting from the several companies now serving under Col. [Paul]<sup>1</sup> Revere, or otherways, one company to serve for three years or during the War (unless sooner discharged) and part of said companies are stationed at Dartmouth, and doing duty there under Lieut. William Gordon, who is now appointed First Lieutenant of said company, and by said Resolve all the men inlisting into said company are to pass muster before the Muster-Master in the county of Suffolk, which will cause great expence and loss of time: Therefore

*Resolved*, That Maj. Manasseh Kempton, of Dartmouth, be and he hereby is empowered to muster all the men that may be inlisted into said company at Dartmouth by Lieut. Gordon, and brought before him for that purpose. [*Passed May 2.*]

## CHAPTER 1049.

Legislative  
Records of the  
Council,  
xl., 400.  
Mass.  
Archives,  
ccxxvii., 379.  
Mass.  
Resolves,  
March Session,  
chap. 245.

Mass.  
Archives,  
ccxxvii., 380.

RESOLVE DIRECTING JOHN FOSTER WILLIAMS, COMMANDER OF THE SHIP PROTECTOR TO DISCHARGE JOSHUA HUBBARD ON HIS ENLISTING TO SERVE AS ONE OF THIS STATE'S QUOTA IN THE CONTINENTAL ARMY FOR THE WAR.

ON THE PETITION of Jedediah Bass, a Corporal in Col. [Elisha Sheldon's]<sup>3</sup> Shelldan's Dragoons, praying for liberty to inlist one of the sailors who entered on board the ship Protector:

*Resolved*, That John Foster Williams, Esq., commander of the ship Protector, be and he hereby is directed to discharge Joshua Hubbard, who has entered on board the ship Protector, on said Hubbard's inlisting to serve as one of this State's quota of the Continental Army during the war. [*Passed May 2.*]

## CHAPTER 1050.

RESOLVE AUTHORIZING THE COUNCIL TO ISSUE WARRANTS IN FAVOR OF THEIR COMMITTEE TO CONCUR IN PASSING ACCOUNTS TO THE AMOUNT OF £80,000.

Legislative  
Records of the  
Council,  
xl., 400.  
Mass.  
Archives,  
ccxxvii., 378.  
Mass.  
Resolves,  
March Session,  
chap. 249.

WHEREAS it has been represented to this Court that the money which has already been appropriated to pay such accounts as might be allowed by the Committee on accounts is expended, and as it is necessary a further sum be appropriated for that purpose: Therefore

*Resolved*, That the Honorable Council be and they hereby are authorized to issue their warrants from time to time on [Henry Gardner, Esq.,]<sup>4</sup> the Treasurer of this State, in favour of the Committee appointed by Council to concur in passing accounts, for

<sup>1</sup> *Ante*, p. 462, chap. 1028.

<sup>2</sup> This date is same in Massachusetts Resolves, but May 1 according to Legislative Records of the Council.

<sup>3</sup> Heitman, Historical Register of the Officers of the Continental Army, 1914.

<sup>4</sup> *Ante*, p. 337, chap. 734.



such sums as the Council may judge necessary for the payment of such accounts, provided the amount of such warrants shall not exceed Eighty Thousand Pounds, said Committee to be accountable for the expenditure of the money that they shall receive. [*Passed May 2.*]

## CHAPTER 1051.

### VOTE CHOOSING MANASSEH SAWYER SECOND MAJOR OF THE 2<sup>d</sup> REGIMENT IN WORCESTER COUNTY.

In the House of Representatives

The House, by Ballot, made choice of Manasseh Sawyer as Second Major of the 2d Regiment of Militia in the County of Worcester.

In Council

Read and Concurred. [*Passed May 2.*]

Legislative  
Records of the  
Council,  
xl., 400.  
Mass.  
Archives,  
ccxxvii., 377.  
Mass.  
Resolves,  
March Session,  
chap. 251.

## CHAPTER 1052.

### VOTE CHOOSING FIELD OFFICERS OF THE 2<sup>d</sup> REGIMENT IN BARNSTABLE COUNTY.

In the House of Representatives

The House, by ballot, made choice of the following Gentlemen as Field Officers of the 2d regiment of militia in the county of Barnstable, viz.

Elisha Cobb, Colonel,  
Zenas Winslow, Lieutenant Colonel,

| Benjamin Godfrey, First Major, and  
| Job Crocker, Second Major.

In Council

Read and Concurred. [*Passed May 2.*]

Legislative  
Records of the  
Council,  
xl., 401.  
Mass.  
Archives,  
ccxxvii., 371.  
Mass.  
Resolves,  
March Session,  
chap. 248.

## CHAPTER 1053.

### RESOLVES DECLARING THE TOWN MEETING HELD AT MARBLEHEAD ON THE 4<sup>TH</sup> OF FEBRUARY LAST, NULL AND VOID, AND DIRECTING THE COLLECTORS UNDER THE TAX ACT OF DECEMBER LAST TO COLLECT AND PAY INTO THE TREASURY OF THIS STATE THAT LAID ON SAID TOWN, ANY PROCEEDINGS OF SAID MEETING NOTWITHSTANDING.

WHEREAS by the proceeding of the town of Marblehead, being laid before this Court, it appears that the town meeting of said town of the 4th day of February last, and the proceedings thereon were illegal and ought to be set aside: Therefore

*Resolved*, That the town meeting held in Marblehead, on the 4th day of February last and the proceedings thereon are illegal and hereby declared null and void. And, it is further

*Resolved*, That the Collectors to whom the assessments was committed that was assessed on the town of Marblehead by virtue of the tax-act that passed in December last, be forthwith collected [*sic*] and paid into the Treasury of this State, any proceedings of the said town at said meeting of the 4th day of February last notwithstanding. [*Passed May 2.*]

Legislative  
Records of the  
Council,  
xl., 401.  
Mass.  
Archives,  
ccxxvii., 372.  
Mass.  
Resolves,  
March Session,  
chap. 244.  
Mass.  
Archives,  
ccxxvii., 373-  
376½.  
Province  
Laws, v., 1137,  
chap. 30.



## CHAPTER 1054.

RESOLVE REMITTING A FINE OF £1,800 LAID ON THE TOWN OF FALMOUTH, BARNSTABLE COUNTY, FOR FAILURE TO RAISE THREE MEN IN 1779.

Legislative  
Records of the  
Council,  
xl., 402.  
Mass.  
Archives,  
cxxxvi., 194a.  
Mass.  
Resolves,  
March Session,  
chap. 250.

ON THE PETITION of Maj. Joseph Demmick, in behalf of the town of Falmouth, in the county of Barnstable, setting forth the circumstances of said town, and praying that the fine of Eighteen Hundred Pounds, laid on said town for failure of raising of three men to serve in the Continental Army for nine months, by a Resolve of the 9th day of June last, be remitted unto them: Therefore

Mass.  
Archives,  
cxxxvi., 194.  
*Ante*, p. 44,  
chap. 75.

*Resolved*, That there be paid unto the Selectmen of Falmouth the sum of Eighteen Hundred Pounds, out of the public Treasury of this State. [*Passed May 2.*]

## CHAPTER 1055.

RESOLVE REMITTING A FINE OF £2,400 LAID ON THE TOWN OF FRAMINGHAM FOR A SUPPOSED FAILURE TO RAISE THEIR FULL QUOTA FOR THE CONTINENTAL ARMY IN 1779.

Legislative  
Records of the  
Council,  
xl., 402.  
Mass.  
Archives,  
cxxxvii., 367.  
Mass.  
Resolves,  
March Session,  
chap. 246.

WHEREAS the town of Framingham is fined the sum of Twenty-four Hundred Pounds for a supposed non-compliance with a Resolve of this Court of the 9th day of June last, and as it appears to this Court that the said town of Framingham in fact raised their full quota of men required by said Resolve: Therefore

Mass.  
Archives,  
cxxxvii., 368-  
370.  
*Ante*, p. 43,  
chap. 75.

*Resolved*, That there be paid out of the public Treasury of this State to Mr. William Brown, for the use of the said Town of Framingham, the sum of Twenty-four Hundred Pounds, in full of said fine. [*Passed May 2.*]

## CHAPTER 1056.

RESOLVE PERMITTING ANDREW COTTON TO KEEP A TAVERN IN SPRINGFIELD UNTIL AUGUST NEXT.

Legislative  
Records of the  
Council,  
xl., 380.  
Mass.  
Archives,  
cxxxvii., 427.  
Mass.  
Resolves,  
March Session,  
chap. 252.

ON THE PETITION of Andrew Cotton of Springfield, praying that he may have liberty to keep a public tavern in his own house, for reasons set forth in said petition:

Mass.  
Archives,  
cxxxvii., 428,  
429.

*Resolved*, That the said Andrew Cotton be and he hereby is permitted to keep a tavern in his own house, until the usual time the Sessions give licence in the county of Hampshire, which will be in August next. [*Passed May 3.*]<sup>1</sup>

<sup>1</sup> This date is same in Massachusetts Resolves, but April 20 according to Legislative Records of the Council.



## CHAPTER 1057.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY COL. BALDWIN'S REGIMENT OF ARTIFICERS WITH CLOTHING UNDER THE SAME LIMITATIONS AND RESTRICTIONS AS THE OTHER REGIMENTS BELONGING TO THIS STATE.

ON THE PETITION of Phinehas Parker, a Captain in Col. [Jeduthun]<sup>1</sup> Baldwin's regiment of artificers, setting forth that by a Resolve of this Court, the officers, non-commissioned officers and soldiers are allowed every privilege and advantage that other regiments belonging to this State do enjoy, but that the Board of War have no orders from this Court to supply said regiment with cloathing: Therefore

*Resolved*, That the Board of War be and hereby are directed to supply all the officers, non-commissioned officers and soldiers in said regiment, belonging to this State, with cloathing in the same way and manner that the other regiments belonging to this State are supplied by said Board of War, and under the same limitations and restrictions. [*Passed May 3.*<sup>2</sup>

Legislative  
Records of the  
Council,  
xl., 401.  
Mass.  
Archives,  
ccxxvii., 385.  
Mass.  
Resolves,  
March Session,  
chap. 243.  
Mass.  
Archives,  
ccxxvii., 386.  
*Ante*, p. 431,  
chap. 948.

## CHAPTER 1058.

RESOLVE CONFIRMING A CERTIFIED COPY AS THE LAST WILL AND TESTAMENT OF THE LATE LIEUT. GOV. WILLIAM STOUGHTON, ESQ., DECEASED, WITH THE PROBATE THEREOF, DIRECTING THAT THE SAME WITH THIS RESOLVE BE FILED AND RECORDED IN THE SUPREME COURT OF PROBATE OF THIS STATE, AND THAT COPIES DULY ATTESTED MAY BE GIVEN IN AS EVIDENCE IN ALL ACTIONS TO ALL INTENTS AND PURPOSES AS THE ORIGINAL WILL.

WHEREAS it appears that the instrument hereto annexed,<sup>3</sup> purporting to be the last will and testament of William Stoughton, Esq., deceased, formerly Lieutenant Governor of the late Province, now State of Massachusetts-Bay, is a true copy of the same last will and testament, with the probate thereof: And whereas it appears that the original last will and testament aforesaid, together with the record thereof, were removed out of this State into the dominions of the king of Great-Britain now at war with the United States, by Foster Hutchinson, Esq., late Judge for Probate of Wills and granting of Administrations in the county of Suffolk, and that neither the said original last will and testament, nor the record thereof, nor a copy of the same duly attested can be procured; And whereas it concerns the interest of the public as well as individuals that some remedy should be provided therefor: It is therefore

*Resolved*, That the instrument hereto annexed,<sup>3</sup> purporting as aforesaid, shall be deemed and taken in the law to all intents and purposes to be the last will and testament of the said William Stoughton, Esq., with the probate thereof, that the same with this Resolve shall be put and kept on the files of the Supreme Court of Probate of this State, and be entered on the records of the same Court, and that copies of the same record thereof, duly attested, may be given in evidence in all actions now commenced or which

Legislative  
Records of the  
Council,  
xl., 403.  
Mass.  
Archives,  
ccxxvii., 420.  
Mass.  
Resolves,  
March Session,  
chap. 258.  
Mass.  
Archives,  
ccxxvii., 422-  
425.  
*Ante*, p. 288,  
chap. 615.

<sup>1</sup> *Ante*, p. 431, chap. 948.

<sup>2</sup> This date is May 2 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>3</sup> The copy of the will is Massachusetts Archives ccxxvii., 422-425. The original will is now on file in the Suffolk Registry of Probate, No. 2675, and the record is also there being in volume 14, page 367.



may hereafter be commenced, as fully to all intents and purposes as the original last will and testament of the said William Stoughton, Esq., with the probate thereof, might be given in evidence; any law, usage or custom to the contrary notwithstanding. [*Passed May 3.*]

## CHAPTER 1059.

RESOLVE GRANTING £50 TO JONATHAN NASH FOR TWO FIREARMS, SUPPLIED IN 1775 WHICH WERE DETAINED FOR THE CONTINENT, BEING APPRAISED AT £3.18s.

Legislative  
Records of the  
Council,  
xl., 404.  
Mass.  
Archives,  
ccxxvii., 418.  
Mass.  
Resolves,  
March Session,  
chap. 266.

ON THE PETITION of Jonathan Nash, praying that he may be allowed for two fire-arms which he supplied two men with in the year 1775, which arms were detained for the use of the Continent, and it appearing to the Committee that they were appraised at three Pounds eighteen Shillings, which sum or any part he hath not received: Therefore

*Resolved*, That there be paid out of the public Treasury of this State the sum of Fifty Pounds, to the said Jonathan Nash, for the above arms. [*Passed May 3.*]

Mass.  
Archives,  
ccxxvii., 419.

## CHAPTER 1060.

Legislative  
Records of the  
Council,  
xl., 405.  
Mass.  
Archives,  
ccxxvii., 417.  
Mass.  
Resolves,  
March Session,  
chap. 259.

RESOLVE DIRECTING THE COMMITTEE OF SEQUESTRATION TO DELIVER TO BENJAMIN KENT, ESQ. THE MESSAGE NOW OCCUPIED BY HIM, TAKEN AS THE RIGHT OF SAMSON SALTER BLOWERS, ABSENTEE.

*Resolved*, That the Committee of Sequestration be and they are hereby directed to deliver to Benjamin Kent, Esq., the possession of the message now occupied by said Benjamin, which they took into their possession as the right of Samson Salter Blowers, an absentee, 'till the further order of the General Assembly. [*Passed May 3.*]

Mass.  
Archives,  
ccxxvii., 413-416.

## CHAPTER 1061.

RESOLVE REQUESTING THE COUNCIL TO DETACH A LIEUTENANT AND TWENTY MEN FROM THE COMPANY OF ARTILLERY TO DO DUTY AT FALMOUTH, CUMBERLAND COUNTY, OR TO RAISE TWENTY MEN, PROPERLY OFFICERED, TO BE ANNEXED TO SAID COMPANY, FOR THAT PURPOSE AND TO APPOINT AN ENGINEER TO REPAIR TO SAID FALMOUTH TO ERECT OR MAKE SUCH ALTERATIONS IN THE WORKS AS THE COMMANDING OFFICER SHALL JUDGE NECESSARY.

*Resolved*, That the Honorable Council be requested to detach from the company of artillery ordered to be raised from the three companies under the command of Col. [Paul]<sup>1</sup> Revere, a Lieutenant and twenty men, to do duty at Falmouth, in the Eastern Part of this State, if they shall judge the safety of the State will admit of it, if not, they are requested to give orders for raising said twenty men for said purpose, with proper officers to command them, to be annexed to the company aforesaid, and have the same establishment; and the Honorable Council are further requested to appoint some suitable person as an Engineer, to repair immediately to Falmouth, there to erect such works or make such alterations in the works already erected as the Commanding Officer shall judge necessary. [*Passed May 3.*]

Legislative  
Records of the  
Council,  
xl., 405.  
Mass.  
Archives,  
ccxxvii., 411.  
Mass.  
Resolves,  
March Session,  
chap. 264.

*Ante*, p. 467,  
chap. 1037.

<sup>1</sup> *Ante*, p. 99, chap. 189.



## CHAPTER 1062.

RESOLVE DIRECTING THE COMMITTEES OF CORRESPONDENCE, ETC., FOR THE COUNTIES OF YORK, CUMBERLAND AND LINCOLN, OR ANY WITHIN THEM, TO SEIZE THE SCHOONER FLYING FISH, TAKEN FROM WILLIAM GREENWOOD IN A VERY EXTRAORDINARY MANNER.

THE COMMITTEE of both Houses on the petition of William Greenwood report the following Resolve:

JOHN PITTS per Order

On the Petition of William Greenwood, setting forth that his vessel, a small schooner of ten tons, called the Flying Fish, was taken in a very extraordinary manner from him, by a number of men he was bringing up to this State, and that the said vessel is now in Falmouth in the county of Cumberland, or in some of the Eastern counties, and praying relief of this Court:

*Resolved*, That the prayer of the petitioner be so far granted, that the Committees of Correspondence, Inspection, &c. for the counties of York, Cumberland and Lincoln, or the Committee aforesaid for any town, in either of the said counties, where the schooner Flying Fish belonging to said Greenwood is, be and hereby are impowered and directed to take into their possession the aforesaid schooner, until the further order of the General Court, and serve the person or persons who had her in possession with a copy of the petition and the Order of this Court thereon, that they may shew cause, if any they have, on the 2nd Wednesday of the next session of the General Court, why the prayer thereof should not be granted.

In Council

Read and Accepted

In the House of Representatives

Read and concurred. [*Passed May 3.*]

Legislative  
Records of the  
Council,  
xl., 405.  
Mass.  
Archives,  
ccxxviii., 225.  
Mass.  
Resolves,  
March Session,  
chap. 255.  
Mass.  
Archives,  
ccxxviii., 226-  
238.  
*Ante*, p. 291,  
chap. 621.

## CHAPTER 1063.

RESOLVE RECOMMENDING THE CONTINENTAL DEPUTY QUARTER-MASTER AND COMMISSARY TO EACH APPOINT A DEPUTY AT CAMDEN AND MACHIAS.

WHEREAS this Court did by their Resolve of the 29th of April recommend to the Continental Deputy Quarter-Master and issuing Commissary in this department to make the necessary supplies for the eight Hundred men raised for the defence of the Eastern Country, agreeable to the Resolution of Congress for that purpose, and did further recommend to said Quarter-Master and Commissary to appoint each of them a Deputy at Falmouth; but as part of said eight Hundred men are to be quartered at Camden and Machias: Therefore

*Resolved*, That it be recommended and it is hereby accordingly recommended to the Continental Deputy Quarter-Master and Commissary to appoint each of them a Deputy at Camden and Machias, to make the necessary delivery of the stores sent to those places. [*Passed May 3.*]

Legislative  
Records of the  
Council,  
xl., 406.  
Mass.  
Archives,  
ccxxvii., 412.  
Mass.  
Resolves,  
March Session,  
chap. 257.  
*Ante*, p. 468,  
chap. 1040.



## CHAPTER 1064.

RESOLVE PERMITTING JOHN BISHOP AND OTHERS TO PURCHASE A VESSEL AT BERMUDA, PROCEED TO TURKS ISLAND FOR SALT AND BRING SAME TO BOSTON, ON GIVING BOND OF £4,000.

Legislative  
Records of the  
Council,  
xl., 406.  
Mass.  
Archives,  
ccxvii., 409.  
Mass.  
Resolves,  
March Session,  
chap. 263.

Mass.  
Archives,  
ccxvii., 410.

ON THE PETITION of John Bishop and others:

*Resolved*, That John Bishop and others have liberty to purchase a vessel at the Island of Bermuda, with the effects that they have at said Island, and proceed from thence to Turks Island, there to procure a cargo of salt, and proceed with the said cargo to the port of Boston, or any other port in this State; and that Capt. Samuel Gross of Cape-Cod be impowered to transact said business. Said Bishop and others to give bonds to [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State, in the sum of Four Thousand Pounds, to comply with this Resolve as near as may be. [*Passed May 3.*]

## CHAPTER 1065.

RESOLVE RECOMMENDING THE CONTINENTAL QUARTERMASTER GENERAL TO PAY TIMOTHY TUFTS AND OTHERS, INHABITANTS OF CHARLESTOWN FOR DAMAGE BY THE CONVENTION TROOPS.

Legislative  
Records of the  
Council,  
xl., 407.  
Mass.  
Archives,  
ccxvii., 394.  
Mass.  
Resolves,  
March Session,  
chap. 262.

Mass.  
Archives,  
ccxvii., 396-  
408.

WHEREAS Timothy Tufts, Samuel Shed, Elkanah Welch, Samuel Tufts, Samuel Choate, Samuel Bowman, Caleb Rand, Samuel Ireland, John Ireland, and Anna Rand, all of Charlestown, have represented and made it appear that they did sustain very considerable loss and damage by the troops under Gen. [John]<sup>2</sup> Burgoyne, when they were quartered at the barracks in Charlestown; and whereas it was the intention of the General Court (as was made manifest by their Committee) that the damage done to the several inhabitants by the troops aforementioned should be made good at the expence of Gen. Burgoyne, or the British Government under which he served: Therefore

*Resolved*, That it be recommended to Thomas Chase, Esq., Continental Quarter-Master General in this department, to pay to Timothy Tufts the sum of one Hundred and eighty-three Pounds, to Samuel Shed the sum of three Hundred and twenty-two Pounds, to Elkanah Welch the sum of two Hundred and eighty-seven Pounds ten Shillings, to Samuel Tufts the sum of five Hundred and sixty-eight Pounds, to Samuel Choate two Hundred and seventy-two Pounds, to Samuel Bowman one Hundred and eighty-seven Pounds ten Shillings, to Samuel Ireland two Hundred and seventy-six Pounds, to Jonathan Ireland, junr., five Hundred and one Pounds, to widow Anna Rand two Hundred and twenty-nine Pounds, to Caleb Rand the sum of four Hundred and four Pounds, in full to all and every of them for the damage sustained by them aforesaid. And it is further recommended to the aforesaid Thomas Chase, Esq., to charge the sums he may pay in consequence of this Resolve to the account of the Convention troops. [*Passed May 3.*]

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> A list of General and Field Officers in the Army, 1777.



## CHAPTER 1066.

RESOLVE DIRECTING THE TREASURER TO ISSUE HIS NOTES FOR ONE HALF THE BALANCE DUE OFFICERS DISMISSED FROM THE SERVICE OF THE UNITED STATES.

WHEREAS [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State is in doubt in what manner to issue notes to the officers regularly dismissed from the service of the United States, who were part of this State's quota:

*Resolved*, That the said Treasurer be and he hereby is directed to issue his notes for one half the ballance that may be due to such officers, in the same manner as he has done to those officers who continue in said service. [*Passed May 3.*]

Legislative  
Records of the  
Council,  
xl., 408.  
Mass.  
Archives,  
ccxxvii., 393.  
Mass.  
Resolves,  
March Session,  
chap. 256.

## CHAPTER 1067.

RESOLVE PERMITTING MARY GRANT OF SALEM TO HAVE THE CLOTHING AND EFFECTS OF HER LATE HUSBAND, JAMES GRANT WHO DIED IN NOVA SCOTIA, BROUGHT INTO THIS STATE.

ON THE PETITION of Mary Grant of Salem, praying that the cloathing and effects left by her late husband [James Grant],<sup>2</sup> who died in the province of Nova-Scotia, may be permitted to be brought from thence into this State:

*Resolved*, That all commanders of vessels in the service of this State or of the inhabitants thereof be and they are hereby directed, and that all others in the service of the United States or either of them, or of their allies, be and they are hereby requested to suffer said cloathing and effects to pass from said Province into this State unmolested. [*Passed May 3.*]

Legislative  
Records of the  
Council,  
xl., 408.  
Mass.  
Archives,  
ccxxvii., 390.  
Mass.  
Resolves,  
March Session,  
chap. 265.  
Mass.  
Archives,  
ccxxvii., 391.

## CHAPTER 1068.

RESOLVE DIRECTING THE TREASURER TO DELIVER TO BARNETT HARKIN FOR THE USE OF LUCY GARRETT THE NOTES DUE HER HUSBAND ANDREW GARRETT FOR DEPRECIATION.

ON THE PETITION of Barnett Harkin humbly shewing that Lucy Garrett resident in Gloucester being in very indigent circumstances, by reason of her husband Andrew Garrett his being in captivity among the Indians, which renders it impossible for her to receive an order from him to receive his wages, and as he is inlisted during the War, humbly prays the Honourable Court would order that the Hon. Henry Gardner, Esq., would pay the Notes due said Andrew Garrett to your petitioner or to any other person for her use as her necessities require immediate relief:

*Resolved*, That the Hon. Henry Gardner, Esq., Treasurer, be and is hereby directed to deliver to the said Barnett Harkin, for the use of Lucy Garrett, the notes due from the State to Andrew Garrett, her husband, for the making up to him the depreciation for his wages in the Continental Army, agreeable to an order which he has from Lucy Garrett, wife of the said Andrew, and the said Barnett Harkin's receipt shall be a full discharge for said notes. [*Passed May 3.*]

Legislative  
Records of the  
Council,  
xl., 409.  
Mass.  
Archives,  
ccxxvii., 387.  
Mass.  
Resolves,  
March Session,  
chap. 260.  
Mass.  
Archives,  
ccxxvii., 388,  
389.

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> Massachusetts Archives, ccxxvii., 391.



## CHAPTER 1069.

RESOLVE EMPOWERING THE ADMINISTRATOR OF THOMAS CROSS, DECEASED, LATE OF NEWBURYPORT TO MAKE SALE OF HIS REAL ESTATE FOR THE BENEFIT OF HIS CHILDREN THOMAS, JR., MARY, LYDIA AND SARAH CROSS.

Legislative  
Records of the  
Council,  
xl., 409.  
Mass.  
Archives,  
ccxxvii., 352.  
Mass.  
Resolves,  
March Session,  
chap. 253.

Mass.  
Archives,  
ccxxvii., 383,  
384.

ON THE PETITION of Ralph Cross, administrator on the estate of his late son Thomas Cross, deceased:

*Resolved*, That the prayer of the petition be granted, and the said Ralph Cross is hereby authorized and fully impowered to sell, and make and execute a good and sufficient deed of about twelve rods of land, together with a house and barn thereon, in Newbury-Port, it being the real estate of the said Thomas Cross, deceased, for the most it will fetch, provided that it shall not be for a less sum than it shall be appraised at by the Selectmen of Newbury-Port or the major part of them. The said Ralph Cross first giving caution to the Judge of Probate of the county of Essex immediately to invest the money arising from the sale of the abovementioned land, house and barn in such and so much other real estate as the said Selectmen or the major part of them shall judge just and sufficient in value, and take the deed in the names and for the sole use and benefit of Thomas Cross, jun., Mary Cross, Lydia Cross, Sarah Cross, and their heirs, children of the said Thomas Cross, deceased, in the same proportion they are now by law intitled to the land and buildings mentioned in the petition. [*Passed May 3.*]

## CHAPTER 1070.

RESOLVE DIRECTING THE COMMITTEE TO SETTLE WITH THE ARMY TO SETTLE WITH COL. MASON AND THE OFFICERS AND MEN OF THE ARTILLERY UNDER HIM, DOING DUTY AT THE LABORATORY IN SPRINGFIELD, IN THE SAME MANNER AS THOSE OF THE FIFTEEN BATTALIONS.

Legislative  
Records of the  
Council,  
xl., 410.  
Mass.  
Archives,  
ccxxvii., 381.  
Mass.  
Resolves,  
March Session,  
chap. 267.

*Ante*, p. 351,  
chap. 765.

ON THE REPRESENTATION of the Committee appointed to settle with the army, requesting they may be impowered by a Resolve of this Court to settle with Lieut. Col. [David]<sup>1</sup> Mason and the officers and men under his command, in the Corps of artillery, doing duty at the laboratory at Springfield, for the depreciation of their wages, as the Committee apprehend said corps are not fully included in the Resolve of Court of June [January]<sup>2</sup> 11, 1779: Therefore

*Resolved*, That the said Committee be and they hereby are directed to settle with Col. Mason and the officers and men of the artillery at Springfield, under his command, who inlisted for three years, or during the war, for the depreciation of their wages, in the same manner as they settle with the officers and men of the fifteen battalions of this State's quota of the Continental Army. [*Passed May 3.*]

## CHAPTER 1071.

RESOLVE PERMITTING WILLIAM HAYWOOD, OF THE TROOPS OF THE CONVENTION, TO RESIDE IN ACTON UNTIL FURTHER ORDER.

ON THE PETITION of the Selectmen of Acton, praying that William Haywood, a prisoner of the troops of the convention of Saratoga, may be permitted to remain in this State:

Legislative  
Records of the  
Council,  
xl., 364.  
Mass.  
Archives,  
ccxxvii., 434.  
Mass.  
Resolves,

<sup>1</sup> Heitman, Historical Register of the Officers of the Continental Army, 1914.

<sup>2</sup> The House action was January 11.



*Resolved*, That the prayer thereof be so far granted, as that the said William Haywood be permitted to reside in the Town of Acton, in this State, he taking the oath of allegiance, until the further order of this Court or the Congress of the United States. [*Passed May 4.*<sup>1</sup>]

March Session,  
chap. 178.  
Mass.  
Archives,  
ccxxvii., 431-  
433.

## CHAPTER 1072.

RESOLVE DECLARING THE REGIMENT OF COL. HENRY JACKSON IN THE CONTINENTAL ARMY TO BE OF THE MASSACHUSETTS LINE AND ENTITLED TO ALL ITS BENEFITS AND ADVANTAGES AND DESIRING THE COUNCIL TO INFORM GEN. WASHINGTON OF THE SAME.

THE COMMITTEE of both Houses on the Petition [of Lieut. Col. David Cobb of Col. Henry Jackson's regiment]<sup>2</sup> beg leave to report the following Resolve and Letter to Gen. Washington which are humbly submitted.

TIMOTHY DANIELSON per Order

Whereas the regiment commanded by Col. Henry Jackson raised by this State, and considered by Congress as part of her quota in the Continental Army, have suffered many inconveniences from their disarrangement in the line of this State: Therefore

*Resolved*, That the regiment commanded by Col. Henry Jackson, in the Continental Army, be and hereby are deemed and considered to belong to the line of the State of Massachusetts-Bay, in said army, and shall for the future be intitled to receive all benefits and advantages arising to the said line, and that the major part of the Council be desired to address a letter to his Excellency Gen. Washington, requesting him to arrange and number the said regiment in the line of the said State according to their rank.

*Letter to General Washington.*

Boston, May 1780.

SIR,

Upon the application of Lieut. Col. [David]<sup>2</sup> Cobb, of Col. Jackson's regiment, in behalf of said regiment, the General Assembly passed the inclosed Resolve, by which you will be acquainted with the intention of the Assembly to annex Col. Jackson's regiment to the line of this State. I am directed to give this information to your Excellency, and request you to arrange and number the same regiment in the line of the State of Massachusetts-Bay in the Continental Army, according to their rank.

In behalf of the major Part of the Council

I am your Excellencys most  
obedient very humble Servant.

His Excellency Gen. WASHINGTON

In Council

Read and Accepted.

In the House of Representatives

Read and Concurred. [*Passed May 4.*]<sup>3</sup>

<sup>1</sup> This date is April 15 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>2</sup> Massachusetts Archives, ccxxvii., 458.

<sup>3</sup> This date is erroneously given in Massachusetts Archives, ccxxvii., 460, as May 3, though the same record gives the earlier (Council) action as the 4th as it is in the Legislative Records of the Council and Massachusetts Resolves.



## CHAPTER 1073.

RESOLVE GRANTING £100 TO ASA LAWRENCE, WHO COMMANDED A COMPANY IN COL. PRESCOTT'S REGIMENT AT BUNKER HILL, FOR THE LOSS OF HIS GUN, KNAPSACK, BAYONET, COAT, BLANKET, ETC.

Legislative  
Records of the  
Council,  
xl., 411.  
Mass.  
Archives,  
clxxiv., 389.  
Mass.  
Resolves,  
March Session,  
chap. 289.

ON THE PETITION of Asa Lawrence, shewing that he commanded a company in Col. [William]<sup>1</sup> Prescott's regiment, in the action on Bunker-Hill, on the 17th of June 1775, that he lost his gun, knapsack, bayonet, coat, blanket, &c. as by the account may appear, for which he has received no consideration, as set forth in said petition:

*Resolved*, That there be allowed and paid out of the public Treasury of this State to the petitioner the sum of One Hundred Pounds, in full compensation for his losses. [*Passed May 4.*]

## CHAPTER 1074.

Legislative  
Records of the  
Council,  
xl., 411.  
Mass.  
Archives,  
ccxxvii., 477.  
Mass.  
Resolves,  
March Session,  
chap. 285.

RESOLVE DIRECTING THE NAVAL OFFICER OF THE PORT OF BOSTON TO CLEAR OUT FIFTEEN PIPES OF WINE FOR BALTIMORE, MD., THE PROPERTY OF COL. BLAINE, COMMISSARY GENERAL, AND OTHERS, OFFICERS AND MERCHANTS OF MARYLAND AND PENNSYLVANIA.

ON THE PETITION of John Kean:

*Resolved*, That [Nathaniel Barber, Esq.,]<sup>2</sup> the Naval-Officer for the port of Boston be and hereby is directed to clear out from this port for Baltimore, in the State of Maryland, fifteen pipes of wine, being the property of Col. [Ephraim Blaine]<sup>3</sup> Blane, the Commissary-General, and others, officers and merchants of the States of Maryland and Pennsylvania; any law or resolve of this State notwithstanding. [*Passed May 4.*]

Mass.  
Archives,  
ccxxvii., 478.  
Province  
Laws, v., 1114,  
chap. 13.

## CHAPTER 1075.

RESOLVE DIRECTING JOSEPH HOSMER TO DELIVER ONE-THIRD OF THE POWDER IN THE MAGAZINE AT GROTON TO THE SELECTMEN OF GROTON, THE RESOLVE OF JANUARY 12<sup>TH</sup> LAST NOTWITHSTANDING.

WHEREAS by a Resolve of this Court of the 13th of January last Joseph Hosmer was directed to remove the powder (deposited in the magazine at Groton) to the towns of Concord, Billerica and Woburn, one third to each town, and take a receipt of the Selectmen for the same; and it being found expedient to deliver one third part of said powder to the care of the Selectmen of Groton: Therefore

*Resolved*, That Joseph Hosmer be directed to deliver one third part of the powder aforesaid to the care of the Selectmen of Groton, and take their receipt for the same, the Resolve of the 12th of January to the contrary notwithstanding. [*Passed May 4.*]

Legislative  
Records of the  
Council,  
xl., 411.  
Mass.  
Archives,  
ccxxvii., 476.  
Mass.  
Resolves,  
March Session,  
chap. 287.

*Ante*, p. 354,  
chap. 770.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vol. ix., 562.

<sup>2</sup> *Ante*, p. 333, chap. 716.

<sup>3</sup> Heitman, Historical Register of Officers of the Continental Army, 1914.



## CHAPTER 1076.

RESOLVE ABATING THE TAXES OF REV. THOMAS PRENTICE OF CHARLESTOWN DURING HIS RESIDENCE IN CAMBRIDGE, THE TREASURER TO MAKE ALLOWANCE TO THE COLLECTORS ACCORDINGLY.

WHEREAS the Rev. Thomas Prentice, Pastor of the Church of Christ in Charlestown, has represented to this Court that since the destruction of Charlestown he has resided in Cambridge, where he has a house and some few acres of land, for which the Assessors of Cambridge have taxed him, and which taxes he is wholly unable to pay, and therefore prays the interposition of this Court, that his taxes may be abated: Therefore

*Resolved*, That the taxes upon the real estate of the Rev. Mr. Thomas Prentice of Charlestown, lying in the town of Cambridge, be abated, during the residence of said Thomas Prentice in Cambridge, and the Collectors of taxes that now are, or hereafter may be in said town, be directed, and they are hereby accordingly directed not to call upon said Thomas Prentice for any taxes for his poll or estate during his residence in said town; and [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State is hereby directed to make such allowance to the Collectors of taxes for the town of Cambridge as said Thomas Prentice's State tax may amount to, and settle with said Collectors accordingly. [*Passed May 4.*]

Legislative  
Records of the  
Council,  
xl., 412.  
Mass.  
Archives,  
ccxxvii., 473.  
Mass.  
Resolves,  
March Session,  
chap. 281.

Mass.  
Archives,  
ccxxvii., 474.

## CHAPTER 1077.

RESOLVE GRANTING £300 TO GEDEON DE LESDERNIER, A NATIVE OF SWITZERLAND, TO RELIEVE HIS PRESENT DISTRESSED SITUATION.

ON THE PETITION of Gedeon De Lesdernier, praying for some relief from this Court, for reasons set forth in his petition:

*Resolved*, That there be paid out of the public Treasury of this State to the said Gedeon De Lesdernier, or order, the sum of Three Hundred Pounds, to enable him to support himself and his family in his present distressed situation. [*Passed May 4.*]

Legislative  
Records of the  
Council,  
xl., 412.  
Mass.  
Archives,  
ccxxvii., 470.  
Mass.  
Resolves,  
March Session,  
chap. 279.

Mass.  
Archives,  
ccxxvii., 471.

[The body of the petition follows:]

The Petition of Gideon Delesdernire, a native of Swisserland Humbly Sheweth:

That your Honors' Petitioner, having already presented a Petition to your Honors, setting forth that he has had the misfortune of losing all his Substance, by its being taken on the Seas, by Capt. Weston, Commander of a Privateer, belonging to New England, and your Honors' Committee advised him to prosecute the said Weston. But your Petitioner has not money to carry on a Lawsuit, and he further begs leave to mention some Circumstances, which were omitted in his former Petition.

That he lived in a place called Tap Magouse, six leagues from the Island of St. Johns, in Nova-Scotia and was obliged to remove from thence, because both the British and American Privateers, would often come and take his Cattle, Sheep and Poultry, and he put his Effects on board a Vessell in order to remove to Windsor where he had a Farm, and the said Vessell with his Effects, was taken on her passage from thence, to Windsor by said Capt. Weston, and was sent into some Eastern Port, in this state, by said Weston, who permitted, one McKinzie, who was Master of said Vessell, when taken to remain on board her, and on her arrival at said Eastern Port, my Goods, on board (consisting of Cloaths, for all my family, Household Furniture, Provisions and Dry Goods, to the amount of Five Hundred Pounds, Nova-Scotia currency, among which were the Cloaths of my Son, now a Lieutenant under Col. Allan at Machias, and his Books and sundry other things), were, as I am informed embezzled by said McKinzie, the Sailors on board, or the Inhabitants, who assisted said McKinzie in retaking said Vessell, and carrying her to Windsor where she arrived almost empty. Your Honors' Petitioner has also another Son, who married at Newport on Rhode-Island, some years since, who has at Newport a House, as will

<sup>1</sup> *Ante*, p. 337, chap. 734.



appear by a Certificate signed, by William Vernon, Esq., and your Petitioner has been to see the said House, this Winter and found it almost destroyed and not ten-  
antable.

Your Honors' Petitioner humbly begs your Honors would take his distressed condition into Consideration, and grant him some land, that he and his son, (who both understand Cultivation) may obtain a subsistence for himself and family as he and his Wife are advanced in Age or releive him in such other way as in your Honors' Wisdom may be thought best, and your Petitioner as in duty bound shall ever Pray.

GEDEON DE LESDERNIER.

N. B. Your Honors may enquire his Character of the following Gentlemen:

William Vernon, Esq., Capt. William Cread of Salem, Col. [Alexander] McNutt, Benjamin Austin, Esq., Francis Shaw, Esq., John Avery, Esq., Secretary to the Honorable Council.

## CHAPTER 1078.

Legislative  
Records of the  
Council,  
xl., 412.

Mass.  
Archives,  
ccxxvii., 468.

Mass.  
Resolves,  
March Session,  
chap. 268.

Mass.  
Archives,  
ccxxvii., 469.

RESOLVE GRANTING £500 ADDITIONAL TO WILLIAM BAKER, MESSENGER TO THE GENERAL COURT, FOR HIS SERVICES AND TO ENABLE HIM TO PURCHASE A HAT IN LIEU OF ONE HE LOST.

ON THE PETITION of William Baker, Messenger to the General Court, praying for an additional grant for his services, also for a hat in lieu of one he lost:

*Resolved*, That there be allowed and paid out of the public Treasury of this State to William Baker, in addition to the grants already made him, and also to enable him to purchase a hat, the sum of Five Hundred Pounds, in full for his services as Messenger to the General Court to the 26th instant. [*Passed May 4.*]

## CHAPTER 1079.

Legislative  
Records of the  
Council,  
xl., 413.

Mass.  
Archives,  
ccxxvii., 467.

Mass.  
Resolves,  
March Session,  
chap. 278.

Mass.  
Archives,  
ccxxvii., 466.

RESOLVE GRANTING £2,000 ADDITIONAL TO SAMUEL FREEMAN, ESQ., CLERK OF THE HOUSE OF REPRESENTATIVES THE PRESENT YEAR.

ON THE PETITION of Samuel Freeman, Esq., Clerk to the House of Representatives, praying for an additional grant for his service:

*Resolved*, That there be allowed and paid out of the public Treasury of this State to Samuel Freeman, Esq., the sum of Two Thousand Pounds, which, with the grants already made him, is in full for his service as Clerk to the House of Representatives the present year. [*Passed May 4.*]

## CHAPTER 1080.

Legislative  
Records of the  
Council,  
xl., 413.

Mass.  
Archives,  
ccxxvii., 461.

Mass.  
Resolves,  
March Session,  
chap. 283.

Mass.  
Archives,  
ccxxvii., 462-465.

*Ante*, p. 43,  
chap. 75.

RESOLVE REMITTING A FINE OF £600 LAID ON THE TOWN OF NEEDHAM FOR FAILURE TO RAISE ITS QUOTA IN 1779.

ON THE PETITION of the Selectmen of the town of Needham, praying for an abatement of a fine of Six Hundred Pounds laid upon said town on failure of raising its quota of men, as required by a Resolve passed June 9th 1779; and the said town making it appear that it did actually raise its quota of men agreeable to the Resolve aforesaid: Therefore

*Resolved*, That the aforesaid fine of Six Hundred Pounds be and is hereby remitted to the said town of Needham accordingly. [*Passed May 4.*]



## CHAPTER 1081.

RESOLVE GRANTING THE MEMBERS OF THE COMMITTEE TO SETTLE WITH THE ARMY ONE QUARTER PART OF THEIR ATTENDANCE AS REPRESENTATIVES, IN ADDITION TO THE £12 PER DAY ALREADY GRANTED; JOHN DEMING AND PETER BOYER, WHO ARE NOT REPRESENTATIVES, £3 PER DAY ADDITIONAL, AND THE WHOLE COMMITTEE £15 FOR EACH DAY'S ATTENDANCE DURING THE RECESS.

*Resolved*, That the Committee appointed to settle with the army be made up one quarter part of their attendance as Members of the House of Representatives, which is to be considered in addition to the twelve Pounds per day already granted, to commence on the 8th day of March last; and that there be allowed and paid to Mr. John Deming and Mr. Peter Boyer, who are not Members of the House, the sum of three Pounds per day in addition to the twelve Pounds before granted to the Members of said Committee, said addition to commence on the 8th of March aforesaid, and that there be allowed to said Committee during the present recess, the sum of fifteen Pounds per day, for each day they shall attend the business of settling with the army. [*Passed May 4.*]

Legislative  
Records of the  
Council,  
xl., 414.  
Mass.  
Archives,  
ccxxvii., 457.  
Mass.  
Resolves,  
March Session,  
chap. 270.  
*Ante*, p. 286,  
chap. 609.

## CHAPTER 1082.

RESOLVE DISCHARGING THE COMMITTEE APPOINTED TO SETTLE WITH THE COMMISSARIES OF THE CONVENTION TROOPS AND DIRECTING THE COMMITTEE ON ACCOUNTS TO MAKE SUCH SETTLEMENTS.

*Resolved*, That the Committee appointed by the General Court last session to settle the accounts of the Commissaries employed to supply the Convention Troops be discharged from any further service on said Committee; and that the Committee on Accounts be and they hereby are directed to settle with said Commissaries all their accounts relative to supplying the said Convention Troops. And whatever ballances may be found due to the State from said Commissaries they are directed to pay into the public Treasury, taking duplicate receipts for the same. [*Passed May 4.*]

Legislative  
Records of the  
Council,  
xl., 415.  
Mass.  
Archives,  
ccxxvii., 455.  
Mass.  
Resolves,  
March Session,  
chap. 290.

## CHAPTER 1083.

RESOLVE GRANTING £9 PER DIEM TO THE HON. JOHN HANCOCK, ESQ., AS SPEAKER OF THE HOUSE OF REPRESENTATIVES, OVER AND ABOVE HIS PAY AS A MEMBER.

*Resolved*, That there be allowed and paid out of the Treasury of this State to the Hon. John Hancock, Esq., for his services as Speaker of the House of Representatives the present session, nine Pounds per diem, over and above his pay as a Member of the House. [*Passed May 4.*]

Legislative  
Records of the  
Council,  
xl., 415.  
Mass.  
Archives,  
ccxxvii., 456.  
Mass.  
Resolves,  
March Session,  
chap. 277.



## CHAPTER 1084.

Legislative  
Records of the  
Council,  
xl., 415.  
Mass.  
Archives,  
ccxxvii., 454.  
Mass.  
Resolves,  
March Session,  
chap. 288.

RESOLVE GRANTING £1,500 TO STEPHEN SEWALL, ESQ., FOR HIS SERVICES AS PROFESSOR OF HEBREW AND OTHER ORIENTAL LANGUAGES AT HARVARD COLLEGE TO JANUARY 1st, 1780.

*Resolved*, That there be allowed and paid out of the Treasury of this State to Stephen Sewall, Esq., One Thousand five Hundred Pounds, in full for his services as Professor of Hebrew and other Oriental Languages at Harvard College, to the 1st of January, 1780. [*Passed May 4.*]

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## CHAPTER 1085.

Legislative  
Records of the  
Council,  
xl., 415.  
Mass.  
Archives,  
ccxxvii., 453.  
Mass.  
Resolves,  
March Session,  
chap. 280.

RESOLVE GRANTING £5,000 TO REV. SAMUEL LANGDON AS PRESIDENT OF HARVARD COLLEGE TO JANUARY 1st, 1780.

*Resolved*, That there be allowed and paid out of the Treasury of this State to the Rev. Samuel Langdon, Five Thousand Pounds, in full for his services as President of Harvard College to the 1st of January, 1780. [*Passed May 4.*]

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## CHAPTER 1086.

Legislative  
Records of the  
Council,  
xl., 416.  
Mass.  
Archives,  
ccxxvii., 451.  
Mass.  
Resolves,  
March Session,  
chap. 271.

RESOLVE GRANTING £2,500 TO REV. EDWARD WIGGLESWORTH AS PROFESSOR OF DIVINITY AT HARVARD COLLEGE TO JANUARY 1st, 1780.

*Resolved*, That there be allowed and paid out of the Treasury of this State to the Rev. Edward Wigglesworth, Two Thousand five Hundred Pounds, in full for his services as Professor of Divinity at Harvard College, to the 1st day of January, A.D. 1780. [*Passed May 4.*]

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## CHAPTER 1087.

Legislative  
Records of the  
Council,  
xl., 416.  
Mass.  
Archives,  
ccxxvii., 450.  
Mass.  
Resolves,  
March Session,  
chap. 269.

RESOLVE GRANTING £6,000 TO RICHARD DEVENS, ESQ., AS COMMISSARY GENERAL FROM JANUARY 1, 1779, TO JANUARY 1, 1780.

*Resolved*, That there be allowed and paid out of the Treasury of this State to Richard Devens, Esq., the sum of Six Thousand Pounds in full for his services as Commissary-General of this State, from January 1st, 1779, to January 1st, 1780. [*Passed May 4.*]

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## CHAPTER 1088.

Legislative  
Records of the  
Council,  
xl., 416.  
Mass.  
Archives,  
ccxxvii., 452.  
Mass.  
Resolves,  
March Session,  
chap. 274.

RESOLVE GRANTING £9,000 TO HENRY GARDNER, ESQ., AS TREASURER AND RECEIVER-GENERAL FROM JANUARY 1, 1779, TO JANUARY 1, 1780.

*Resolved*, That there be allowed and paid out of the public Treasury of this State to the Hon. Henry Gardner, Esq., the sum of Nine Thousand Pounds in full for his services as Treasurer and Receiver-General of this State from the 1st day of January, 1779 to the 1st day of January, 1780. [*Passed May 4.*]



## CHAPTER 1089.

RESOLVE GRANTING £7,500 TO ROBERT TREAT PAINE, ESQ., AS STATE-ATTORNEY FROM JANUARY 1, 1779, TO JANUARY 1, 1780.

Legislative  
Records of the  
Council,  
xl., 416.  
Mass.  
Archives,  
ccxxvii., 449.  
Mass.  
Resolves,  
March Session,  
chap. 282.

*Resolved*, That there be allowed and paid out of the Treasury of this State to the Hon. Robert Treat Paine, Esq., Seven Thousand five Hundred Pounds, in full for his services as State-Attorney from January 1, 1779, to January 1, 1780. [*Passed May 4.*]

## CHAPTER 1090.

RESOLVE DECLARING THAT LEVI WILLARD STANDS IN THE SAME RELATION TO THIS STATE AS IF HE HAD RETURNED AT ANY TIME BEFORE JANUARY 19<sup>TH</sup> LAST.

ON THE PETITION of Levi Willard:

*Resolved*, That the prayer of the said petition be granted, and that the said Levi Willard be and hereby is considered to stand in the same relation to this State as he would have done had he returned into the same any time before the 19th of January last; any law or resolve of this State to the contrary notwithstanding. [*Passed May 4.*]

Legislative  
Records of the  
Council,  
xl., 417.  
Mass.  
Archives,  
ccxxvii., 444.  
Mass.  
Resolves,  
March Session,  
chap. 284.

[A letter and the petition follow:]

LANCASTER, May 2d, 1780.

*May it please your Honor.*

Agreeable to a resolve of the General Assembly passed on the 19th of January, 1779, ordering that notice should immediately be given to Honorable Council when I arrived in this State; I have presumed to acquaint you, that I got to this town the 30th of the last Month. When I consider my unhappy detention in England, and the extreme length of the Voyage, I flatter myself my misfortunes, will be accepted as a satisfying apology for every delay; I must beg leave to assure your Honor, I come with a disposition sincere in Gratitude and Loyalty to that Government which in it's wisdom has seen fit to restore me to my family and friends, and am confident my every relative action will stand a firm evidence, of my fidelity and allegiance to this State.

I am Sir with the greatest respect

Your most obedient Servant

LEVI WILLARD

Mass.  
Archives,  
ccxxvii., 445,  
447. Province  
Laws, xx., 556,  
chap. 356.

The Petition of Levi Willard humbly shews that he never received any intelligence of the Resolve of this Honorable Court permitting him to return home, until the 26th of July last; That on receiving the intelligence he engaged a passage to America as soon as he possibly could but the ship was unhappily detained for convoy until the 22d of October, at which time he sailed and reached the Banks of Newfoundland about the 19th of November, when they met with extreme bad weather, and never arrived in port until the 27th of February last. That he made the earliest application at New-York for a pass but was not able to get out of the city 'til the 13th of April instant and arrived at New-London on the 17th from whence he journeyed to Lancaster. Your Petitioner does not suppose that this Honorable Court intended that any unavoidable delays should prevent his return; he therefore hopes [he] has complied with the spirit of the Resolve, but the express time of his return was limited to the 19th of January last, he most humbly Prays he may remain in the State in like manner as he might have done had he returned before the 19th of January aforesaid

And as in duty bound shall ever Pray

LEVI WILLARD

## CHAPTER 1091.

RESOLVE PERMITTING SAMUEL ALLYNE OTIS, ESQ., TO OCCUPY A HOUSE, PART OF THE ESTATE OF HARRISON GRAY, ESQ., ABSENTEE, UNTIL FURTHER ORDER, MAKING SUCH NECESSARY REPAIRS TO PREVENT IT FROM RUIN.

ON THE PETITION of Samuel Allyne Otis, praying to have the house he now occupies (said to be a part of the estate of Harrison Gray, Esq., an absentee) confirmed to him:

Legislative  
Records of the  
Council,  
xl., 417.



Mass.  
Archives,  
ccxxvii., 435.  
Mass.  
Resolves,  
March Session,  
chap. 286.

Mass.  
Archives,  
ccxxvii., 436.

*Resolved*, That Samuel Allyne Otis, Esq., be and he hereby is permitted to occupy the house he now lives in until the further order of the General Court; any Resolve to the contrary notwithstanding, and that the said Otis have liberty to make such necessary repairs as he may judge sufficient to prevent the said house from ruin. [*Passed May 4.*]

## CHAPTER 1092.

RESOLVES REQUIRING THE SELECTMEN OF EACH TOWN TO PROCURE WHITE SHIRTS, SHOES, WHITE STOCKINGS AND BLANKETS FOR THIS STATE'S QUOTA OF THE CONTINENTAL ARMY, AS SET AND FIXED IN THE ANNEXED SCHEDULE, TO BE DELIVERED TO AGENTS DULY APPOINTED FOR EACH COUNTY ON OR BEFORE THE 10<sup>TH</sup> OF OCTOBER NEXT.

Legislative  
Records of the  
Council,  
xl., 418.  
Mass.  
Archives,  
ccxxvii., 479,  
479½. Mass.  
Resolves,  
March Session,  
chap. 272.

Mass.  
Archives,  
ccxxvii., 482.

AS JUSTICE and humanity, and every reasonable principle of the human heart, must urge the necessity of rendering the situation of our brethren (who are risking their lives in the field of battle for our defence) as comfortable as may be, and as we doubt not the several towns in this State are willing to make further exertions for their comfort and encouragement, if called upon for that purpose:

*Resolved*, That the Selectmen in each Town in this State be and they are hereby required and directed to collect from the inhabitants of their towns respectively, or otherwise procure, on or before the 1st day of October next, the number of shirts, and pairs of shoes and stockings set and affixed to their respective towns in the following schedule, the same being a number of each of those articles equal to one tenth part of the male inhabitants of each town above the age of sixteen years, as returned into the Secretary's office: And also a number of blankets equal to one half the number of shirts and pairs of shoes and stockings, as set and affixed in said schedule, and required by this Resolve.

*Resolved*, That the Selectmen of each town shall, on or before the 10th day of October next, cause the said articles to be transported to such place or places in the counties to which they respectively belong, as the Agent of the county, who shall be by the General Court appointed, shall order.

*Resolved*, That the following persons be and they hereby are appointed to receive, in the counties whereof they are inhabitants, the articles aforesaid, when so collected.

In the county of Suffolk, Lemuel Kollock, Esq.  
In the county of Essex, Israel Hutchinson, Esq.  
In the county of Middlesex, Joseph Hosmer, Esq.  
In the county of Worcester, Seth Washburn, Esq.  
In the county of Hampshire, Elijah Hunt, Esq.  
In the county of Berkshire, William Williams, Esq.  
In the county of Plymouth, Capt. David Kingman.  
In the county of Barnstable, Col. Enoch Hallet.  
In the county of Bristol, George Godfrey, Esq.  
In the county of York, Edward Cutts, Esq.  
In the county of Cumberland, John Lewis, Esq.  
In the county of Lincoln, Dummer Sewall, Esq.  
In the county of Duke's County, James Athearn, Esq.  
In the county of Nantucket, Stephen Hussey, Esq.

And that the said Agents shall, upon receiving said articles, transport them to such place or places within this State as the



General Court shall order and direct, and shall, on or before the 10th day of November next, make out and lodge in the Secretary's office a true and perfect inventory of the articles which they shall so receive, with the names of the Selectmen, and there shall be upon each shirt, pair of shoes, stockings and blanket, the name of the town from whence they received the same, and the prices at which the Selectmen shall charge them, in order that the same may be examined by a Committee of the General Court to be, on or before that time, for that purpose especially appointed.

*Resolved*, For the purpose of keeping a uniformity among the soldiers in the army, that the shirts and stockings be white.

*Resolved*, That when the said accounts are examined and approved by such Committee, that warrants be made out by the Major Part of the Council on [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer, in favour of such Selectmen, for the sums that may be due to them on such accounts, and the Selectmen, when they shall have received such sums, shall pay the same over to those who shall have supplied them with the shirts, shoes, stockings and blankets, as aforesaid. Also

*Resolved*, That such Selectmen and Agents lay before the same Committee an account of their services and expences, in order that the same may be examined and paid in the manner aforesaid.

*Resolved*, That if the Selectmen of any town shall neglect to make return of their doings to the Agent of their county, pursuant to this Resolve, such Selectmen shall be liable to pay a fine of two Hundred Pounds to the use of this government, to be recovered by action of debt, at the suit of such persons as the General Court shall appoint to bring the same; and in those plantations where there are no Selectmen, the Committees of Correspondence, &c. are hereby directed and commanded to do the business by this Resolve required of Selectmen, and shall be liable to the same penalties, and in every respect in the same sense, accountable for their conduct. And it is further

*Resolved*, That if any Town shall be so regardless of their duty and interest, as to neglect or refuse to procure the articles required by the Selectmen and Committees aforesaid, in consequence of these Resolves, that such Town shall forfeit and pay double the value of the deficient article for such neglect, which sum shall be added to such Town's proportion of the next State tax: And if any Agent appointed for the purposes aforesaid shall neglect to make return as aforesaid, on or before the 10th day of November next, he shall be liable to pay a fine to this government of five Hundred Pounds, to be recovered by an action of debt, at the suit of such persons as the General Court shall appoint to bring the same. And it is further

*Resolved*, That the respective Agents be and they hereby are appointed inspectors of all the cloathing which they may collect.

<sup>1</sup> *Ante*, p. 337, chap. 734.



A SCHEDULE OF SHIRTS, PAIRS OF SHOES, PAIRS OF STOCKINGS AND BLANKETS,  
AS AFFIXED TO EACH TOWN.

*County of Suffolk.*

	No. of pairs of Shoes and Stockings and no. of Shirts.	No. of Blankets.		No. of pairs of Shoes and Stockings and no. of Shirts.	No. of Blankets.
Boston, . . . . .	285	142	Needham, . . . . .	30	15
Roxbury, . . . . .	38	19	Stoughton, . . . . .	50	25
Dorchester, . . . . .	38	19	Stoughtonham, . . . . .	31	15
Milton, . . . . .	29	14	Medway, . . . . .	22	11
Braintree, . . . . .	62	31	Bellingham, . . . . .	14	7
Weymouth, . . . . .	34	17	Hull, . . . . .	4	2
Hingham, . . . . .	53	27	Walpole, . . . . .	25	12
Dedham, . . . . .	52	26	Chelsea, . . . . .	10	5
Medfield, . . . . .	19	9	Franklin, . . . . .	26	13
Wrentham, . . . . .	46	23	Foxborough, . . . . .	11	6
Brookline, . . . . .	13	6	Cohasset, . . . . .	17	8

*County of Essex.*

Salem, . . . . .	116	58	Topsfield, . . . . .	22	11
Ipswich, . . . . .	106	53	Bradford, . . . . .	31	15
Lynn, . . . . .	43	22	Manchester, . . . . .	20	10
Rowley, . . . . .	43	22	Newbury-Port, . . . . .	85	43
Glocester, . . . . .	96	47	Marblehead, . . . . .	109	54
Almsbury, . . . . .	41	21	Beverly, . . . . .	66	33
Middleton, . . . . .	17	8	Haverhill, . . . . .	58	29
Danvers, . . . . .	54	27	Boxford, . . . . .	25	13
Newbury, . . . . .	73	36	Wenham, . . . . .	16	8
Andover, . . . . .	71	36	Methuen, . . . . .	31	15
Salisbury, . . . . .	38	19			

*County of Middlesex.*

Cambridge, . . . . .	39	20	Westford, . . . . .	29	14
Woburn, . . . . .	45	22	Groton, . . . . .	40	20
Reading, . . . . .	41	20	Townsend, . . . . .	18	9
Frammingham, . . . . .	39	19	Natick, . . . . .	15	7
Sherburne, . . . . .	19	9	Holliston, . . . . .	22	11
Weston, . . . . .	24	12	Dunstable, . . . . .	17	8
Hopkinton, . . . . .	29	14	Watertown, . . . . .	23	12
Stow, . . . . .	22	11	Newton, . . . . .	36	18
Pepperrell, . . . . .	22	11	Billerica, . . . . .	36	18
Stoneham, . . . . .	8	4	Chelmsford, . . . . .	33	16
Bedford, . . . . .	13	6	Malden, . . . . .	23	12
Acton, . . . . .	20	10	Littleton, . . . . .	22	11
Wilmington, . . . . .	20	10	Waltham, . . . . .	18	9
Charlestown, . . . . .	17	8	Shirley, . . . . .	15	7
Concord, . . . . .	42	21	Ashby, . . . . .	10	5
Marlborough, . . . . .	41	20	Dracut, . . . . .	22	11
Lexington, . . . . .	22	11	Tewksbury, . . . . .	22	11
Sudbury, . . . . .	54	27	Lincoln, . . . . .	20	10
Medford, . . . . .	24	12			

*County of Worcester.*

Worcester, . . . . .	43	22	Lunenburg, . . . . .	29	15
Brookfield, . . . . .	67	33	Dudley, . . . . .	23	12
Sutton, . . . . .	62	39	Sturbridge, . . . . .	34	17
Paxton, . . . . .	12	6	Holden, . . . . .	18	9
Barre, . . . . .	34	17	Grafton, . . . . .	21	11
Shrewsbury, . . . . .	39	20	Westminster, . . . . .	25	13
Westborough, . . . . .	22	11	Princeton, . . . . .	15	8
Southborough, . . . . .	18	9	Northbridge, . . . . .	8	4
Northborough, . . . . .	13	6	Mendon & Milford, . . . . .	53	26
Harvard, . . . . .	34	17	Charlton, . . . . .	31	15
Hardwick, . . . . .	35	18	Spencer, . . . . .	26	13
Douglass, . . . . .	20	10	Oakham, . . . . .	13	7
Royalston, . . . . .	11	6	New-Braintree, . . . . .	19	9
Templeton, . . . . .	24	12	Uxbridge, . . . . .	27	14
Winchendon, . . . . .	12	6	Bolton, . . . . .	30	15
Ward, . . . . .	10	5	Leominster, . . . . .	22	11
Lancaster, . . . . .	67	33	Western, . . . . .	22	11
Oxford, . . . . .	20	10	Petersham, . . . . .	29	14
Leicester, . . . . .	21	11	Athol, . . . . .	19	9
Rutland, . . . . .	26	13	Ashburnham, . . . . .	12	6
Hubbardston, . . . . .	13	7	Fitchburgh, . . . . .	17	8



*Duke's County.*

	No. of pairs of Shoes and Stockings and no. of Shirts.	No. of Blankets.		No. of pairs of Shoes and Stockings and no. of Shirts.	No. of Blankets.
Edgartown, . . . . .	26	13	Tisbury, . . . . .	26	13
Chilmark, . . . . .	19	9			

*County of Nantucket.*

Sherburne, . . . . .	111	55
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*County of Bristol.*

Taunton, . . . . .	79	40	Easton, . . . . .	29	15
Dartmouth, . . . . .	90	45	Norton, . . . . .	33	16
Attleborough, . . . . .	50	25	Swansey, . . . . .	45	22
Rainham, . . . . .	23	12	Mansfield, . . . . .	25	13
Rehoboth, . . . . .	99	49	Freetown, . . . . .	43	22
Dighton, . . . . .	34	17	Berkley, . . . . .	20	10

*County of Hampshire.*

Springfield, . . . . .	46	23	Myrfield, . . . . .	6	3
West-Springfield, . . . . .	42	21	Pelham, . . . . .	20	10
Southampton, . . . . .	20	10	Leverett, . . . . .	8	4
Amherst, . . . . .	24	12	New Salem, . . . . .	23	12
Whately, . . . . .	11	5	Ware, . . . . .	15	8
Deerfield, . . . . .	24	12	Murrayfield, . . . . .	10	5
Conway, . . . . .	20	10	Worthington, . . . . .	17	8
Northfield, . . . . .	15	7	Southwick, . . . . .	13	6
Monson, . . . . .	20	10	Norwich, . . . . .	6	3
Blandford, . . . . .	18	9	Northampton, . . . . .	45	22
Granville, . . . . .	20	10	South-Hadley, . . . . .	16	8
Colrain, . . . . .	16	8	Westfield, . . . . .	37	19
Barnardston, . . . . .	14	7	Montague, . . . . .	16	8
Ashfield, . . . . .	20	10	Greenwich, . . . . .	20	10
Chesterfield, . . . . .	22	11	Palmer, . . . . .	21	11
Ludlow, . . . . .	10	5	Belchertown, . . . . .	25	13
Wilbraham, . . . . .	26	13	Warwick, . . . . .	17	8
Hadley, . . . . .	21	11	Charlemont, . . . . .	9	5
Granby, . . . . .	12	6	Shutesbury and } . . . . .	15	8
Williamsburgh, . . . . .	13	6	Ervingshire, . . . . .		
Greenfield, . . . . .	15	8	Hatfield, . . . . .	19	9
Brimfield, . . . . .	25	13	Shelburne, . . . . .	18	8
South-Brimfield, . . . . .	22	11	No. 5, . . . . .	9	5

*County of Plymouth.*

Plymouth, . . . . .	66	33	Plympton, . . . . .	45	22
Marshfield, . . . . .	28	14	Hanover, . . . . .	27	13
Rochester, . . . . .	59	29	Wareham, . . . . .	15	8
Kingston, . . . . .	24	12	Duxbury, . . . . .	32	16
Halifax, . . . . .	15	7	Middleborough, . . . . .	106	53
Scituate, . . . . .	69	34	Pembroke, . . . . .	43	21
Bridgewater, . . . . .	118	59	Abington, . . . . .	32	16

*County of Barnstable.*

Barnstable, . . . . .	57	29	Truro, . . . . .	29	15
Provincetown, . . . . .	4	2	Falmouth, . . . . .	30	15
Sandwich, . . . . .	39	19	Yarmouth, . . . . .	51	26
Harwich, . . . . .	45	22	Chatham, . . . . .	21	10
Eastham, . . . . .	45	23	Wellfleet, . . . . .	32	16

*County of York.*

York, . . . . .	60	30	Pepperrellborough, . . . . .	19	9
Berwick, . . . . .	67	33	Sanford, . . . . .	16	8
Masebesek, . . . . .	10	5	Little-Falls, . . . . .	7	3
Fryeburgh, . . . . .	10	5	Wells, . . . . .	58	29
Buckston, . . . . .	15	8	Biddeford, . . . . .	22	11
Kittery, . . . . .	64	32	Lebanon, . . . . .	13	6
Arundel, . . . . .	25	13	Brownfield, . . . . .	6	3



*County of Cumberland.*

	No. of pairs of Shoes and Stockings and no. of Shirts.	No. of Blankets.		No. of pairs of Shoes and Stockings and no. of Shirts.	No. of Blankets.
Falmouth, . . . . .	72	36	Windham, . . . . .	9	5
Scarborough, . . . . .	46	23	New-Boston, . . . . .	7	3
Gorham, . . . . .	34	17	North-Yarmouth, . . . . .	39	19
Pearsonstown, . . . . .	8	4	Harpwell, . . . . .	20	10
Royalsburgh, . . . . .	6	3	New-Gloucester, . . . . .	17	8
Cape-Elizabeth, . . . . .	46	23	Raymondtown, . . . . .	4	2
Brunswick, . . . . .	20	10			

*County of Lincoln.*

Pownalborough,	36	18	Winslow.	7	3
Woolwich,	17	9	Hollowell,	13	7
Boothbay,	19	9	Thomastown,	9	4
Winthrop,	8	4	St. George's,	6	3
Edgecomb,	17	8	Newcastle,	16	8
Warren,	9	4	Bowdoinham,	8	4
Meduncook,	6	3	Vassalborough,	10	5
Georgetown,	45	22	Waldoborough,	13	7
Topsham,	16	8	Belfast,	3	1
Bristol,	30	15	Pittston,	8	4

*County of Berkshire.*

Sheffield,	46	23	Loudon,	5	2
Williamstown,	27	13	Alford,	7	3
Pittsfield,	25	12	Plantation No. 7,	2	1
Egremont,	15	7	Equivalent,	6	3
Becket,	10	5	Partridgefield,	9	5
Richmond,	21	11	Lanesborough,	36	18
West-Stockbridge,	10	5	Stockbridge,	25	13
Plantation No. 5,	5	3	Sandisfield,	25	13
New-Ashford,	4	2	Hancock,	11	6
Great-Barrington,	19	9	Washington,	13	6
New-Marlborough,	22	11	East-Hoosuck,	16	8
Lenox,	19	9	New-Providence }	8	4
Tyringham,	16	8	Plantation,		
Gageborough,	12	6	Lee,	7	3

[Passed May 4.]

## CHAPTER 1093.

RESOLVE DIRECTING THE BOARD OF WAR TO PAY £32,449. 15s. 2d. TO WATERMAN THOMAS, ESQ., PURCHASING AND ISSUING COMMISSARY AND QUARTER-MASTER TO THE TROOPS AT CAMDEN, BEFORE AND AFTER THE PENOBSCOT EXPEDITION, AND TO MAJ. LITHGOW'S DETACHMENT.

THE COMMITTEE appointed to settle with Waterman Thomas, Esq., purchasing and issuing Commissary and Quarter-Master to the troops doing duty at Camden (before the troops destined for the Penobscot expedition were arrived at that post) and also for the troops doing duty there after the defeat of the Penobscot expedition, and to Maj. [William]<sup>1</sup> Lithgow's detachment until the 1st day of November last, all which is set forth in his memorial, have attended that service, and having carefully examined the several accounts, all which appear to be reasonable charges and well supported with proper vouchers, and there appears to be due to the said Waterman Thomas, Esq., Thirty-two Thousand four Hundred and forty-nine Pounds fifteen Shillings and two Pence to ballance his account and ask leave to report the following Resolve:

*Resolved*, That the Board of War be and hereby are directed to

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, ix., 865.

Legislative  
Records of the  
Council,  
xl., 421.  
Mass.  
Archives,  
ccxxvii., 437.  
Mass.  
Resolves,  
March Session,  
chap. 273.

Mass.  
Archives,  
ccxxvii., 438-  
442.



pay to Waterman Thomas, Esq., Thirty-two Thousand four Hundred and forty-nine Pounds fifteen Shillings and two Pence, in full for his ballance as aforesaid. [*Passed May 4.*]

## CHAPTER 1094.

RESOLVE PERMITTING BERIAH NORTON TO GO TO GREAT BRITAIN BY THE WAY OF NEW YORK.

ON THE MEMORIAL of Beriah Norton:

*Resolved*, That the prayer of the memorial be so far granted that the petitioner Beriah Norton have liberty to repair to Great-Britain, by the way of New-York, for the purposes in said petition mentioned, under such orders, limitations and restrictions as the Honorable the Major Part of the Council shall see proper. [*Passed May 5.*<sup>1</sup>]

[The Memorial follows:]

*To the Honorable the Council and Honorable the house of Representatives in General Court assembled.*

The Memorial of Beriah Norton humbly Sheweth that in Consequence of Leave obtained from this honored Court in November 1779, your Memorellist Proceeded to New York in order to Selisit Payment for the Stock taken from Marthas Vinyard By General Gray in Sept. 1778, as well as for fuil, &c., taken from said Island By George Leonard, Esq., in Sept. and Oct. 1779, the latter of which your Memorellist Settled in full and also Petition Sir Henry Clinton for Payment for the Stock taken By General Gray. But Said Clinton Being on the Point of Embarking for the Southward Did not think Proper to take up the matter at that time. Your Memorellist was then advised By Sir Henry's Agent General that if he was to apply to Great Brittain he may Know doubt Receive Compensation for the Stock taken By General Gray. Your Memorellist then applied to General Stearling for advice, he Being the first in Command under General Gray, who informed him By way of advice that it was Best to apply to England and he said Stearling would wright fully on the Subject in my favor. These, together with other incoregments, and the Great Necesatys the People of Marthas Vinyard are in for Some Relief in Consequence of so Great and General a Plunder as the Loss of ten thousand head of Sheep and 312 head of Cattle indusys your Memorellist to make this most humble application to this honorable Court, Earnstly Praying that your Memorellist may have the Liberty of applying to Great Brittain, for the Purpus abovesaid, to Proseed as a Pasenger in Some British or American Ship, and that he may have the Priviledge of taking his Pay for Said Stock in Some articles of Merchendize, Provided he Cannot obtain the Cash, and also to Export whatever Goods obtained into this State in Such a Manner as this honorable Court Shall think most fit and Reasonable and as in Duty Bound Shall Ever Pray.

BERIAH NORTON.

Boston April 28th, 1780.

Your Memorellist also Prays that he may have Leave to Bring from Great Britian all Such moneys as he may have orders for from any Marchent in this State

BR. NORTON  
Massachusetts Archives, ccxxvii., 487.

## CHAPTER 1095.

RESOLVE EMPOWERING THE COMMANDER OF THE CASTLE TO APPOINT A CHAPLAIN AT THE SAME ESTABLISHMENT AS COL. BURBECK, LIEUTENANT OF THE CASTLE.

*Resolved*, That [Lieut. Col. Paul Revere]<sup>2</sup> the Commander of the Castle be and hereby is impowered and directed to appoint a Chaplain for Castle Island, and that the establishment for said Chaplain be the same as is allowed to Col. [William]<sup>3</sup> Burbeck, Lieutenant of Castle Island aforesaid. [*Passed May 5.*<sup>4</sup>]

<sup>1</sup> This date is May 3 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xiii., 121.

<sup>3</sup> *Ante*, p. 205, chap. 430.

<sup>4</sup> This date is May 4 according to Legislative Records of the Council and Massachusetts Resolves.

Legislative  
Records of the  
Council,  
xl., 408.  
Mass.  
Archives,  
ccxxvii., 486.  
Mass.  
Resolves,  
March Session,  
chap. 261.

Mass.  
Archives,  
ccxxvii., 487.  
*Ante*, p. 245,  
chap. 316.

Legislative  
Records of the  
Council,  
xl., 416.  
Mass.  
Archives,  
ccxxvii., 448.  
Mass.  
Resolves,  
March Session,  
chap. 277.



## CHAPTER 1096.

RESOLVES DIRECTING THE SELECTMEN AND COMMITTEE OF FREETOWN FOR 1779 TO SERVE THE MODERATOR OF THE LAST MARCH MEETING WITH A NOTICE OF A HEARING ON THE SECOND WEDNESDAY OF THE NEXT SITTING WHY SAID MEETING SHOULD NOT BE ANNULLED, AND TO CALL TOWN MEETINGS FOR THE PURPOSE OF CHOOSING REPRESENTATIVES AND CONSIDERING THE CONSTITUTION AND FORM OF GOVERNMENT.

Legislative  
Records of the  
Council,  
xl., 417.  
Mass.  
Archives,  
ccxxviii., 119.  
Mass.  
Resolves,  
March Session,  
chap. 300.

Mass.  
Archives,  
ccxxviii., 120-  
124.

WHEREAS the Selectmen and Committee of the town of Freetown, chosen for the year 1779, have petitioned this Court relative to the conduct and proceedings of the Moderator of the annual town-meeting held at said Freetown, on the 20th day of March last, for the choice of town officers, representing that the said meeting was conducted in an illegal manner: Therefore

*Resolved*, That the said Selectmen and Committee serve the said Moderator and Selectmen chosen at said meeting with a copy of said petition and this resolve, that they may appear on the 2nd Wednesday of the setting of the next General Court, and shew cause, if any they have, why the proceedings of said meeting should not be annulled, and another meeting called for the choice of town officers. And it is further

*Resolved*, That the Selectmen of said town chosen for the year 1779 be and they hereby are impowered and directed to call and hold a town-meeting for the choice of a Representative or Representatives, by virtue of a precept which they may receive for that purpose, and also to call and hold a town-meeting for the purpose of taking into consideration the Constitution and Form of Government, and the Town-Clerk and Constables in said town chosen for the year 1779 are hereby impowered to officiate in calling and holding said meeting.

The Committee on the Petition of the Selectmen and Committee of Correspondance of the Town of Freetown ask leave to Report by way of Resolve:

In Council

Read and Accepted.

In the House of Representatives

Read and Concurred. [*Passed May 5.*]

## CHAPTER 1097.

RESOLVE ABATING £15,000 UPON EACH OF THE TAXES ORDERED SINCE SEPTEMBER, 1779, ON SEVERAL TOWNS IN THE COUNTY OF LINCOLN, THE AMOUNTS TO BE FIXED BY THEIR AGENTS WHO SHALL MAKE RETURNS OF SAME TO THE TREASURER.

ON THE PETITION of the several Towns in the County of Lincoln, praying for an abatement of a part of their Taxes:

*Resolved*, That Fifteen Thousand Pounds be abated upon each of the taxes ordered to be assessed since the 1st day of September 1779 and that the several Towns be directed to meet together by their Agents, whose business it shall be to abate the aforesaid Fifteen Thousand Pounds from the several Towns in the County of Lincoln, as they shall judge equal and just; and also that the said Agents be directed to make a return of the sum that each Town shall be so abated to [Henry Gardner, Esq.,]<sup>2</sup> the Treasurer of this State, as soon as may be. [*Passed May 5.*]

Legislative  
Records of the  
Council,  
xl., 423.  
Mass.  
Archives,  
ccxxviii., 60.  
Mass.  
Resolves,  
March Session,  
chap. 318.

Mass.  
Archives,  
ccxxviii., 61.

<sup>1</sup> This date is same in Massachusetts Resolves, but May 4 according to Legislative Records of the Council.

<sup>2</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 1098.

RESOLVE EMPOWERING THE COMMISSARY GENERAL TO SUPPLY THE GARRISON AT THE CASTLE AND THE FORT ON GOVERNOR'S ISLAND WITH THE SAME RATIONS AS THE SEACOAST MEN AND TO CHARGE THEM TO THE STATE SINCE OCTOBER 6TH.

WHEREAS in the Resolve passed by the General Assembly on the 6th day of October last, for garrisoning the Castle and the Fort on Governor's Island, no provision was made for supplying the men enlisted for the purpose aforesaid with rations: Therefore

*Resolved*, That [Richard Devens, Esq.,]<sup>1</sup> the Commissary-General be and hereby is impowered and directed to supply the officers and men belonging to said garrison with the same rations as are allowed to the sea-coast men, and the Commissary is further directed to charge such provisions as he has supplied said garrison with, by virtue of an order from the Committee of fortification, since the 6th day of October last to this State. [*Passed May 5.*]

Legislative  
Records of the  
Council,  
xl., 423.  
Mass.  
Archives,  
ccxxviii., 57.  
Mass.  
Resolves,  
March Session,  
chap. 317.

*Ante*, p. 201,  
chap. 420.

## CHAPTER 1099.

RESOLVE PERMITTING ELLIS GRAY TO FILE HIS CLAIM AGAINST THE SLOOP ELIZABETH, JAMES LITTLEFIELD MASTER, AT THE SUPERIOR COURT TO BE HOLDEN AT YORK IN JUNE NEXT, WHICH HE WAS PREVENTED FROM DOING AT THE MARITIME COURT BY THE SICKNESS OF SAID LITTLEFIELD, AND DIRECTING HIM TO NOTIFY WILLIAM NICHOLS, LIBELLANT, AND COL. JOHN ALLAN, CLAIMANT, IN BEHALF OF THE INDIANS FOR THE SAME.

UPON THE PETITION of Ellis Gray, praying leave to file his claim to the sloop Elizabeth, James Littlefield master, at the Superior Court to be holden at York in the month of June next, which he was prevented from doing at the Maritime Court for the eastern district in season, by the sickness of said Littlefield:

*Resolved*, That the prayer of said petition be and hereby is granted, and the said Gray has leave to file his claim accordingly, in the office of the Clerk of the Superior Court, thirty days at least before the 4th Tuesday of June next, the day of the Court's sitting at York, within and for the county of York, and causing William Nichols, libellant of said sloop, and Col. John Allen [Allan]<sup>2</sup> in behalf of the Indians, claimant of the same, to be served with a copy of said claim attested by said Clerk, and of this Resolve attested by the Secretary, fourteen days at least before the said 4th Tuesday of June, and the said Court are thereupon authorized and impowered to hear and determine the said claim as if the same had been filed in season at the Maritime Court, on the libel of the said Nichols, and the same shall be considered as part of said case. [*Passed May 5.*]

Legislative  
Records of the  
Council,  
xl., 424.  
Mass.  
Archives,  
ccxxviii., 58.  
Mass.  
Resolves,  
March Session,  
chap. 302.

Mass.  
Archives,  
ccxxviii., 59.

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> Massachusetts Archives, cxliv., 444.



## CHAPTER 1100.

RESOLVE DIRECTING THE TREASURER TO STAY EXECUTIONS AGAINST THE COLLECTORS OF SEVERAL TOWNS IN CUMBERLAND COUNTY ON THE JANUARY TAX UNTIL THE 20<sup>TH</sup> OF JUNE NEXT.

Legislative  
Records of the  
Council,  
xl., 425.  
Mass.  
Archives,  
ccxxviii., 55.  
Mass.  
Resolves,  
March Session,  
chap. 310.

Mass.  
Archives,  
ccxxviii., 56.

ON THE PETITION of the Hon. Jeremiah Powell, Esq., on behalf of the county of Cumberland, representing the inability of the inhabitants of said county for paying their State-Tax at present: Therefore

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be and hereby is directed to stay executions against the Collectors in the several towns in the county of Cumberland, on the January tax, until the 20th day of June next, any Resolve to the contrary notwithstanding. [*Passed May 5.*]

## CHAPTER 1101.

RESOLVE DIRECTING JOSHUA POOL AND OTHERS, WHO SERVED IN RHODE ISLAND IN 1778 UNDER CAPT. NATHANIEL SMITH, TO SERVE HIM WITH A NOTICE OF A HEARING THE SECOND WEDNESDAY OF THE NEXT SITTING ON HIS KEEPING BACK PART OF THEIR WAGES AND SAUCE MONEY.

Legislative  
Records of the  
Council,  
xl., 425.  
Mass.  
Archives,  
ccxxviii., 53.  
Mass.  
Resolves,  
March Session,  
chap. 304.

Mass.  
Archives,  
ccxxviii., 54.

ON THE PETITION of Joshua Pool, Lot Whitmarsh, Levi Whitmarsh and Israel Vinning, who were in the service of this State in the State of Rhode-Island, in the year 1778, under the command of Capt. Nathaniel Smith, praying this Court to make up to each of them a certain part of their wages and part of their sauce money, kept back by the said Capt. Smith, which they have not received: Therefore

*Resolved*, That the said Petitioners serve the said Capt. Nathaniel Smith with a copy of this petition and the order of the Court thereon, that he the said Smith shew cause, if any he hath, on the 2nd Wednesday of the next sitting of the General Court, why he hath neglected making payment of the said monies to the said petitioners. [*Passed May 5.*]

## CHAPTER 1102.

RESOLVE DIRECTING CAPT. GEORGE WILLIAMS, ONE OF THE MANAGERS OF THE STATE LOTTERY TO PAY A BALANCE OF £1,907. 1s. 11d. INTO THE TREASURY OF THIS STATE.

Legislative  
Records of the  
Council,  
xl., 425.  
Mass.  
Resolves,  
March Session,  
chap. 291.

WHEREAS on settlement of the accounts of Capt. George Williams, one of the Managers of the State Lottery, for the 1st, 2nd, 3rd and last classes, it appears there is a ballance due from said Williams of Nineteen Hundred and seven Pounds one Shilling and eleven Pence:

*Resolved*, That the said Williams be and hereby is directed to pay the said ballance of Nineteen Hundred and seven Pounds one Shilling and eleven Pence into the Treasury of this State, and take duplicate receipts therefor, in full discharge of his part of said Lottery, one of which receipts to be lodged in the Secretary's-office. [*Passed May 5.*]

<sup>1</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 1103.

## RESOLVE REMITTING £600 PART OF A FINE LAID ON THE TOWN OF SPRINGFIELD FOR DEFICIENCY OF MEN IN 1779.

ON THE PETITION of the Selectmen of the town of Springfield, praying for the abatement of a fine of Eighteen Hundred Pounds set upon said town in the last tax, for a delinquency of three men required of it by a resolve of the General Court, passed June 9th 1779, and it having been made to appear that the said town was deficient but two men only of the whole number required: Therefore

*Resolved*, That the prayer of the petition be so far granted as that there be allowed and paid out of the public Treasury of this State to the town of Springfield the sum of Six Hundred Pounds, being a fine set upon said town for a man which was raised and did actually serve the term for which he was so raised. [*Passed May 5.*]

Legislative  
Records of the  
Council,  
xl., 426.  
Mass.  
Archives,  
ccxxviii., 49.  
Mass.  
Resolves,  
March Session,  
chap. 301.

Mass.  
Archives,  
ccxxviii., 51, 52.  
*Ante*, p. 43,  
chap. 75.

## CHAPTER 1104.

## RESOLVE GRANTING A BALANCE OF £54. 15s. TO CAPT. WILLIAM PAGE AND OTHERS, THE COMMITTEE TO SELL CONFISCATED ESTATES IN WORCESTER COUNTY, AND DISCHARGING THEM FROM £136,861.

THE COMMITTEE appointed to examine and settle the accounts of the Committee appointed to sell confiscated estates in the county of Worcester have attended that service, and find the account right cast and well vouched, and that the said Committee have sold of the estates late belonging to Timothy Ruggles, John Murray and Abijah Willard, Esquires, to the amount of One Hundred and thirty-six Thousand eight Hundred and sixty-one Pounds, as appears by their account,<sup>1</sup> and the money they have paid into the Treasury, together with the expences and allowance for their services, amount to One Hundred and thirty-six Thousand nine Hundred and fifteen Pounds fifteen Shillings, which leaves a ballance due to said Committee of fifty-four Pounds fifteen Shillings: Therefore

*Resolved*, That there be paid out of the public Treasury to Capt. William Page, Col. Joseph Reed and Mr. John Fessenden, the Committee who were appointed to sell confiscated estates in the county of Worcester, the sum of fifty-four Pounds fifteen Shillings in full discharge of said ballance, and that the said Committee be discharged from the sum of One Hundred and thirty-six Thousand eight Hundred and sixty-one Pounds, the amount of the estates they have already sold. [*Passed May 5.*]

Legislative  
Records of the  
Council,  
xl., 426.  
Mass.  
Archives,  
cliv., 458.  
Mass.  
Resolves,  
March Session,  
chap. 307.

## CHAPTER 1105.

## RESOLVE DECLARING THAT OFFICERS WHO ENGAGED FOR THREE YEARS OR DURING THE WAR AND WHO LEFT THE SERVICE BEFORE FEBRUARY 6TH, 1779, ARE NOT ENTITLED TO DEPRECIATION THOUGH THEY PRODUCE A REGULAR DISCHARGE.

*Resolved*, That those Officers who engaged in the service for three years or during the war, and have left the said service before the 6th day of February 1779, are not intitled to any allowances on account of the depreciation of the currency, notwithstanding they may produce a regular discharge. [*Passed May 5.*]

Legislative  
Records of the  
Council,  
xl., 427.  
Mass.  
Archives,  
ccxxviii., 47.  
Mass.  
Resolves,  
March Session,  
chap. 294.

<sup>1</sup> For account see Massachusetts Archives, cliv., 460.



## CHAPTER 1106.

Legislative  
Records of the  
Council,  
xl., 427.  
Mass.  
Archives,  
cxxxviii., 46.  
Mass.  
Resolves,  
March Session,  
chap. 311.

RESOLVE GRANTING £5,000 TO THE HON. SAMUEL ADAMS, ESQ., FOR HIS PAST SERVICES AS SECRETARY UNTIL JANUARY 1<sup>st</sup>, 1780.

*Resolved*, That there be allowed and paid out of the public Treasury unto the Hon. Samuel Adams, Esq., the sum of Five Thousand Pounds, in full for his past services as Secretary,<sup>1</sup> until the 1st day of January, 1780. [*Passed May 5.*]

## CHAPTER 1107.

Legislative  
Records of the  
Council,  
xl., 428.  
Mass.  
Archives,  
cxxxviii., 46.  
Mass.  
Resolves,  
March Session,  
chap. 297.

VOTE CHOOSING JOSEPH WEBB LIEUTENANT COLONEL AND JOHN MAY MAJOR OF THE BOSTON REGIMENT.

In the House of Representatives

The House, by Ballot, made choice of Joseph Webb as Lieutenant Colonel and John May as Major of the Boston Regiment.

In Council

Read and Concurred. [*Passed May 5.*]

<sup>1</sup> At a meeting in the Council Chamber in Watertown, July 26, 1775, the following Resolve was read and accepted:

*Whereas* in pursuance of a Resolve of the Continental Congress, on June 9th, 1775, the inhabitants of the several places of this Colony of the Massachusetts-Bay which are intitled to Representation in the Assembly have chosen such Representatives and the Assembly thus chosen have elected Counsellors; And whereas the Secretary of this Province, who was appointed by his Majesty has joined himself with Gen. Gage and those others, who have endeavoured to subvert the Charter and Constitution of this Colony. Therefore

*Resolved*, That the Secretary is to be considered as absent and his Office vacant.

*Resolved*, That it is necessary for the Council to appoint a Secretary until a Secretary of his Majesty's appointment will consent to execute his Office according to the Charter of this Colony.

On July 27, Perez Morton, who was acting as Secretary *pro tempore*, was unanimously chosen to act as Secretary of this Colony *pro tempore* and took oath accordingly. On Aug. 10, Hon. Samuel Adams, Esq., then attending the Continental Congress at Philadelphia, was unanimously chosen as Secretary of the Colony 'till a Secretary of his Majesty's appointment will consent to execute his Office according to the Charter of this Colony, Perez Morton to officiate as Secretary *pro tempore*. On Aug. 15, Samuel Adams arrived at Watertown, took his seat in Council and accepting the Office of Secretary was duly sworn in as Secretary of the Province and immediately appointed Perez Morton to be his Deputy, who served as such until June 1, 1776.

The Secretary and Deputy Secretary "being Provisionally absent" on Oct. 10, John Lowell a Clerk in the Secretary's Office, was appointed Deputy Secretary *pro tempore* and took the same oath formerly given to the Deputy Secretary. On June 20, 1776, John Lowell, having signified to the Council that his state of health was such he found himself unable to continue to officiate as Deputy Secretary *pro tempore* asked a resignation of that trust.

This was duly accepted on June 21 and John Avery, jr., was unanimously chosen in his place and continued as Deputy Secretary to Samuel Adams until the adoption of the Constitution when he was elected the first Secretary of the Commonwealth defeating Adams at the polls.

Samuel Adams was chosen Delegate to the Continental Congress in 1774 and served until 1781. He was present in Congress at Philadelphia Sept. 5-Oct. 26, 1774; May 10-Aug. 11, 1775; Sept. 13, 1775-Aug. 12, 1776; Oct. 24, 1776-Nov. 11, 1777; May 21, 1778-June 20, 1779 and June 29, 1780-Apr. 12, 1781. From his acceptance of the Office he seems to have acted as Secretary at will, that is as Secretary when he was in Boston if he saw fit, but leaving the burden of the work on his Deputy.



## CHAPTER 1108.

RESOLVE DIRECTING THE BOARD OF WAR TO BUILD A SUITABLE VESSEL OF SIXTEEN OR EIGHTEEN GUNS ON THE BEST CONSTRUCTION AS SOON AS POSSIBLE IN LIEU OF ONE THEY CANNOT PURCHASE.

WHEREAS by a Resolve of the General Court passed the present session the Board of War were directed to purchase two armed-vessels: And whereas the said Board have not been able to procure more than one which is suitable for said purpose: Therefore

*Resolved*, That in lieu of the other vessel which they were directed to purchase by the Resolve aforesaid, the said Board of War be and they are hereby directed to build on the best construction they can obtain, a suitable vessel to carry sixteen or eighteen guns, and to have her ready for the sea as soon as possible. [*Passed May 5.*]

Legislative  
Records of the  
Council,  
xl., 428.  
Mass.  
Archives,  
ccxxviii., 43.  
Mass.  
Resolves,  
March Session,  
chap. 309.  
Mass.  
Archives,  
cxlii., 193.  
*Ante*, p. 385,  
chap. 837.

## CHAPTER 1109.

RESOLVE EMPOWERING THADDEUS MASON AND JONATHAN BROWN, ESQUIRES, TWO OF THE JUSTICES OF THE PEACE OF MIDDLESEX COUNTY, QUORUM UNUS, TO LICENSE JOSHUA REED OF WOBURN TO KEEP A TAVERN UNTIL SEPTEMBER NEXT.

UPON THE PETITION of Joshua Reed of Woburn in the county of Middlesex, praying that two Justices of the Peace for said county, quorum unus, may be authorized to licence the said Reed to keep a tavern in the town of Woburn aforesaid, in the house he now lives in, for reasons set forth in his petition:

*Resolved*, That Thaddeus Mason and Jonathan Brown, Esquires, two of the Justices of the Peace for said county, quorum unus, be and hereby are empowered to licence the said Joshua Reed to keep a tavern, in the house where he now lives, until the Court of General Sessions of the Peace shall be holden in said county of Middlesex, in September next, the said Joshua Reed recognizing before said Justices to keep good rule and order in said house during the time aforesaid, in such manner as innholders are by law directed to recognize. [*Passed May 5.*]

Legislative  
Records of the  
Council,  
xl., 428.  
Mass.  
Archives,  
ccxxviii., 37.  
Mass.  
Resolves,  
March Session,  
chap. 308.  
Mass.  
Archives,  
ccxxviii., 38-42.

## CHAPTER 1110.

RESOLVE GRANTING £32,459. 15s. 2d. TO THE BOARD OF WAR TO PAY WATERMAN THOMAS, ESQ., FOR SUNDRIES FURNISHED THE ARMY AGREEABLE TO THE RESOLVE OF THE 4TH INSTANT.

WHEREAS this Court, by their Resolve of the 4th instant, did direct the Board of War to pay to Waterman Thomas, Esq., Thirty-two Thousand four Hundred and fifty-nine Pounds fifteen Shillings and two pence, in full for sundries supplied by him to the army, when upon the Penobscot expedition: Therefore

*Resolved*, That there be allowed and paid out of the public Treasury to the Board of War the sum of Thirty-two Thousand four Hundred and fifty-nine Pounds fifteen Shillings and two Pence, to enable them to pay the aforesaid Waterman Thomas, Esq., agreeable to the Resolve of the 4th instant for that purpose. [*Passed May 5.*]

Legislative  
Records of the  
Council,  
xl., 429.  
Mass.  
Archives,  
ccxxviii., 44.  
Mass.  
Resolves,  
March Session,  
chap. 296.  
Mass.  
Archives,  
ccxxviii., 45.  
*Ante*, p. 492,  
chap. 1093.



## CHAPTER 1111.

RESOLVE EMPOWERING THE COMMITTEE TO SELL ABSENTEES' ESTATES IN MIDDLESEX COUNTY TO EXECUTE A DEED TO JAMES PRESCOTT, ESQ., OF 40 ACRES OF PINE LAND IN GROTON WHICH HE BOUGHT OF THOMAS FLUCKER, ESQ., LATE OF BOSTON, NOW AN ABSENTEE.

Legislative  
Records of the  
Council,  
xl., 429.  
Mass.  
Archives,  
ccxxviii., 34.  
Mass.  
Resolves,  
March Session,  
chap. 315.

Mass.  
Archives,  
ccxxviii., 35, 36.

ON THE PETITION of James Prescott, Esq., setting forth that he purchased and paid Thomas Fluker [Flucker],<sup>1</sup> Esq., late of Boston, now an absentee, for a small parcel of pine land, lying in Groton, in the county of Middlesex, and contains in the whole about forty acres, but did not obtain a title of said land from said Fluker before he went off with the enemy, and praying this Court would pass such an order that he may have a good title to the premises: Therefore

*Resolved*, That the prayer of the petition be granted, and that the Committee appointed for the sale of absentees estates in the county of Middlesex, or the major part of them, be and they are hereby empowered and directed to make and execute a good deed of the land aforesaid, to him the said James Prescott, his heirs and assigns. [*Passed May 5.*]

## CHAPTER 1112.

RESOLVE EMPOWERING THE JUDGE OF PROBATE OF MIDDLESEX COUNTY TO SET OFF TO BENJAMIN BROWN, GUARDIAN OF JAMES WOODWARD, NON COMPOS, LATELY DECEASED, SO MUCH OF HIS REAL ESTATE AS WILL AMOUNT TO THE VALUE OF £324. 10s.

Legislative  
Records of the  
Council,  
xl., 429.  
Mass.  
Archives,  
ccxxviii., 31.  
Mass.  
Resolves,  
March Session,  
chap. 316.

Mass.  
Archives,  
ccxxviii., 32, 33.

ON THE PETITION of Benjamin Brown, guardian for one James Woodward, who was rendered non compos, and late deceased, praying that some of the real estate of the said James Woodward may be set off to him, for reasons set forth in said petition:

*Resolved*, That the prayer of said petition be granted, and that the Judge of Probate for the County of Middlesex be and he is hereby empowered and directed to appoint three meet persons to set off to the said Benjamin Brown so much of the real estate of the said James Woodward as will amount to the real value of the sum of three Hundred and twenty-four Pounds ten Shillings, at the time the said Benjamin Brown's account became due. [*Passed May 5.*]

## CHAPTER 1113.

RESOLVES DIRECTING THE COMMITTEE OF CORRESPONDENCE OF MEDFORD TO DELIVER A SMALL FARM BELONGING TO JOHN CLUELY OF HALIFAX, N.S., TO THE SELECTMEN OF ROXBURY FOR THE BENEFIT OF HIS DAUGHTER ELIZABETH WELMAN AND THE TREASURER TO DELIVER THEM £543. 6s., THE RENT RECEIVED FOR SAID FARM BY THE COMMITTEE OF CORRESPONDENCE.

Legislative  
Records of the  
Council,  
xl., 430.  
Mass.  
Archives,  
ccxxviii., 27.

ON THE PETITION of the Selectmen of the Town of Roxbury, in behalf of Elizabeth Welman, [who was sent into this State long before the commencement of this present war for her education]<sup>2</sup> praying that the Committee of Correspondence of the Town of

<sup>1</sup> Province Laws, xviii., p. 3.

<sup>2</sup> Massachusetts Archives, ccxxviii., 128.



Medford might be ordered to deliver a small Farm, lying in said Town of Medford, belonging to said Elizabeth's father, John Cluely of Halifax, into the hands of the Selectmen of the town of Roxbury, for the support of the said Elizabeth: Therefore

*Resolved*, That the Committee of Correspondence of the town of Medford be and are hereby directed to deliver a small farm lying in the town of Medford (the property of John Cluely of Halifax in Nova-Scotia) into the hands of the Selectmen of the town of Roxbury; the said Selectmen of said town, and their successors in office, are hereby directed to take proper care of said farm, and the income arising thereon to be for the benefit of said Elizabeth; the said Selectmen to be accountable to the General Assembly of this State for the same. And it is further

*Resolved*, That there be paid out of the public Treasury of this State to the Selectmen of the town of Roxbury the sum of Five Hundred and forty-three Pounds six Shillings, for the benefit of the said Elizabeth, they to be accountable as above, which sum [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer received of the Committee of Correspondence of the town of Medford, for rent of said farm for five years past. [*Passed May 5.*]

Mass.  
Resolves,  
March Session,  
chap. 293.

Mass.  
Archives,  
ccxxviii., 28-30.

## CHAPTER 1114.

### RESOLVES APPOINTING AND EMPOWERING WILLIAM PHILLIPS, ESQ., AND OTHERS A COMMITTEE TO INVESTIGATE THE CONDUCT OF JOHN BROWN AND OTHERS, THE COMMITTEE OF SEQUESTRATION.

WHEREAS John Brown, William Cooper, Deacon Edward Rawson, John Pitts and Josiah Sartill [Sartell]<sup>2</sup> were by a Resolve of the General Court of the 23d day of March in the year of our Lord 1776, appointed a Committee to take into their custody all the personal estate of such persons as voluntarily went off with the enemy at the time Boston was evacuated, and according to the orders of the Court to dispose of the same, and to account for the proceeds: And whereas said Committee have neglected to settle their accounts, notwithstanding the frequent orders of the General Court for that purpose: And whereas the good people of this State have manifested great uneasiness that the Committee of Sequestration, so called, have not exhibited as yet a fair account of the disposal of the aforesaid goods and chattels, and obtained an honorable discharge for so much of the same as they may have disposed of, by private or public sale: Therefore

*Resolved*, That the Hon. William Phillips, Esq., the Hon. Nathan Cushing, Esq., Samuel Osgood, Esq., Lemuel Kollock, Esq., and Mr. Nathan Frazier be and hereby are appointed a Committee to examine into the conduct of the aforesaid John Brown, William Cooper, Deacon Edward Rawson, John Pitts and Josiah Sartill [Sartell].

And also to send for and examine any persons or papers which they may think necessary for the purposes aforesaid.

And whereas it may be necessary that the Committee appointed to examine into the conduct of the said Committee of Sequestration should be attended with some civil officers, in order to prosecute the business with dispatch: Therefore it is

*Resolved*, That such of the Constables of the town of Boston, in

Legislative  
Records of the  
Council,  
xl., 431.

Mass.  
Archives,  
cliv., 407.

Mass.  
Resolves,  
March Session,  
chap. 312.

Province  
Laws, xix., 294,  
chap. 738.

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> Province Laws, xix., 294, chap. 738.



the county of Suffolk, as the said Committee shall direct and require to attend them, shall and hereby are directed to give their attendance accordingly, and are also impowered and directed to serve and execute any summons, order, or other process, which the said Committee shall issue in pursuance of the power and authority given them as aforesaid. And it is further

*Resolved*, That the President of the said Committee, for the time being, shall be and hereby is authorized and directed to administer a proper oath to any person or persons whom the said Committee shall think fit to examine as a witness or witnesses, touching the subject matter of their enquiry.

And such summons, order, or other process which shall be issued by said Committee as aforesaid, shall be signed by the Clerk appointed by said Committee, and not by any member of said Committee.

And all persons are directed to yield obedience to every such summons, order, or other process, on pain of imprisonment for their contempt or refusal by order of said Committee.

And said Committee are hereby directed to proceed upon said business immediately, and make report of their doings to the General Court as soon as may be. [*Passed May 5.*]

## CHAPTER 1115.

RESOLVE REQUESTING THE COUNCIL TO ISSUE THEIR WARRANTS FOR THE \$200 BOUNTY ALLOWED BY CONGRESS TO EACH CONTINENTAL SOLDIER WHO SHALL ENLIST AS THIS STATE'S QUOTA.

Legislative  
Records of the  
Council,  
xl., 432.  
Mass.  
Archives,  
ccxxviii., 22.  
Mass.  
Resolves,  
March Session,  
chap. 295.

ON THE LETTER of Gen. [William]<sup>1</sup> Heath, dated May 1, 1780:

*Resolved*, That the Council of this State be and they hereby are requested to issue warrants on [Henry Gardner, Esq.,]<sup>2</sup> the Treasurer of this State for the payment of the two Hundred Dollars allowed by Congress as a bounty to each Continental soldier who shall enlist during the war, to each soldier who shall enlist for that term, as this State's quota of the Continental army and shall pass muster by any of the muster-masters in this State, appointed for that purpose, in such manner as they may think proper, and direct an exact account thereof to be kept, that the State may be reimbursed the said sum by the United States; and the said Council are further requested immediately to furnish his Excellency Gen. Washington with a copy of this Resolve, requesting him to give order that the soldier hereafter enlisted and mustered in this State, and marched into camp, may not again receive the said Continental bounty upon his arrival there. [*Passed May 5.*]

## CHAPTER 1116.

VOTE ABATING ONE-HALF OF THE STATE AND CONTINENTAL TAX ON THE TOWN OF GLOUCESTER.

In the House of Representatives

The Committee appointed to repair to the town of Gloucester, to view the situation and circumstances of the town and confer with the inhabitants on the subject of their memorial, and report what may be proper to be done for the relief of said town, ask leave to

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vii., 684.

<sup>2</sup> *Ante*, p. 337, chap. 734.

Legislative  
Records of the  
Council,  
xl., 433.  
Mass.  
Archives,  
ccxxviii., 1.  
Mass.  
Resolves,



report as their opinion that the town of Gloucester be abated the one half of their State and Continental tax contained in the two last assessments, and in that proportion in future, until the further order of the General Court.

Read and Accepted

In Council

Read and Concurred. [*Passed May 5.*]

March Session,  
chap. 292.

Mass.  
Archives,  
ccxxviii., 2-5.

## CHAPTER 1117.

RESOLVE REQUESTING THE COUNCIL TO DETACH MEN AND OFFICERS FROM THE MILITIA, OR OTHERWISE, TO DO DUTY AT HULL NOT EXCEEDING THREE MONTHS ON THE SAME ESTABLISHMENT AS THOSE ON DUTY IN BOSTON.

WHEREAS the time for which the men were inlisted who are doing duty at Hull, is nearly expired, by which means that post and the stores there may be in danger of being destroyed: Therefore

*Resolved*, That the Honorable Council be and they hereby are requested to order such a number of men, with proper officers to command them, to be immediately detached from the militia, or otherways procured, to do duty at Hull, and for such time, not exceeding three months, as they shall judge necessary, to be on the same establishment as the militia lately to do duty in the town of Boston. [*Passed May 5.*]

Legislative  
Records of the  
Council,  
xl., 433.

Mass.  
Archives,  
ccxxviii., 6.  
Mass.  
Resolves,  
March Session,  
chap. 303.

## CHAPTER 1118.

RESOLVE DIRECTING THE COMMISSARY OF PRISONERS, OR HIS DEPUTY, TO APPREHEND JOHN ROBINSON, AN ENEMY, NOW AT LARGE IN BOSTON AND HOLD HIM FOR EXCHANGE.

WHEREAS it appears to this Court that a certain John Robinson, formerly an inhabitant of the Town of Sandwich, in this State, who left this State and went to the enemy, and hath been once taken and exchanged as a British prisoner, is now at large in the Town of Boston, having been taken off from a wreck at sea and brought into this State: Therefore

*Resolved*, That [Joseph Henderson, Esq.,]<sup>1</sup> the Commissary of Prisoners or his Deputy be and he is hereby directed forthwith to apprehend the said John Robinson and secure him, in order that he may be exchanged for one of the subjects of this State in captivity, of equal rank. [*Passed May 5.*]

Legislative  
Records of the  
Council,  
xl., 434.

Mass.  
Archives,  
ccxxviii., 21.  
Mass.  
Resolves,  
March Session,  
chap. 305.

## CHAPTER 1119.

RESOLVE PERMITTING ROBERT MORRIS, PETER SEMER HACKEL AND WILLIAM WOOD, CONVENTION PRISONERS, TO RESIDE IN SHREWSBURY UNTIL FURTHER ORDER.

ON THE PETITION of Robert Morris, Peter Semer Hackel and William Wood, Convention Prisoners, praying that they may have liberty to reside in the Town of Shrewsbury, or in some other Town within this State:

Legislative  
Records of the  
Council,  
xl., 434.  
Mass.  
Archives,  
ccxxviii., 19.

<sup>1</sup> *Ante*, p. 60, chap. 110.



Mass.  
Resolves,  
March Session,  
chap. 319.

Mass.  
Archives,  
ccxxviii., 20,  
20½.

*Resolved*, That the prayer of the abovesaid petition be so far granted that Robert Morris, Peter Semer Hackel and William Wood have leave to reside in the Town of Shrewsbury till further order of Congress or the General Court; any Resolve of the General Court to the contrary notwithstanding. [*Passed May 5.*]

## CHAPTER 1120.

Legislative  
Records of the  
Council,  
xl., 435.

Mass.  
Archives,  
ccxxviii., 16.  
Mass.  
Resolves,  
March Session,  
chap. 314.

Mass.  
Archives,  
ccxxviii., 17, 18.

RESOLVE PERMITTING JOHN COOK, A HESSIAN PRISONER, TO RESIDE IN SUTTON UNTIL FURTHER ORDER.

ON THE PETITION of John Cook, a Hessian prisoner, praying for liberty to abide in the Town of Sutton:

*Resolved*, That the prayer of said petition be so far granted that the said John Cook have leave to reside in the town of Sutton till the further order of Congress or the General Court, any Resolve to the contrary notwithstanding. [*Passed May 5.*]

## CHAPTER 1121.

RESOLVES DESIRING THE SELECTMEN OF THE TOWNS TO TRANSMIT TO THE AGENTS APPOINTED IN EACH COUNTY THE MONTHLY PRICES OF BEEF, INDIAN CORN, SHEEP'S WOOL, AND SOLE LEATHER, SEMI-ANNUALLY FOR EIGHT YEARS FOR DETERMINING THE VALUE OF SECURITIES GIVEN BY THIS STATE TO THE CONTINENTAL OFFICERS AND SOLDIERS TO MAKE GOOD THEIR ESTABLISHED PAY AND WAGES, AND THAT PRINTED COPIES OF THIS RESOLUTION BE SENT TO EACH TOWN.

Legislative  
Records of the  
Council,  
xl., 435.  
Mass.  
Archives,  
ccxxviii., 15.  
Mass.  
Resolves,  
March Session,  
chap. 298.

*Ante*, p. 351,  
chap. 765.

*Resolved*, That the Selectmen of the several towns in this State be and hereby are desired to transmit to the Agent appointed in the respective county to which said Selectmen belong the monthly average prices of beef, indian-corn, sheeps-wool and sole-leather since the 1st day of last January, on or before the 20th day of August next, including the last mentioned month, and also to transmit the monthly average prices of the aforesaid articles, from and after said month of August, on or before the 3rd Tuesday of February A.D. 1781, including the average prices of said February, and so on from year to year, for eight years, to transmit the average prices as aforesaid, and at the times before mentioned, in order that said Agents may be enabled to comply with an act of the General Court, directing them to ascertain the monthly average prices of the abovementioned articles, for the purpose of determining the value of the securities given by this State to Continental Officers and Soldiers to make good their established pay and wages.

*Resolved*, That a sufficient number of the aforesaid Resolution be printed to enable the Agents aforesaid to send one copy thereof to the Selectmen of each town in the county to which they respectively belong. [*Passed May 5,*]



## CHAPTER 1122.

RESOLVE APPOINTING STEPHEN CHOATE, ESQ., TO EXAMINE INTO THE SITUATION OF THE TWO LIGHTHOUSES AT OR NEAR GLOUCESTER AND TAKE MEASURES FOR SECURING THE SAME AND THE MATERIALS THEREOF.

IT BEING REPRESENTED to this Court that the two Light-Houses at or near Gloucester are in danger of being destroyed, and the materials thereof lost, for want of some proper person to take care of them: Therefore

*Resolved*, That Stephen Choate Esq., be and hereby is appointed a Committee who is hereby directed to examine into the situation of the said Light-Houses and make return thereof to the Honorable Council, and also to take such measures for securing the said Houses and the materials thereof as he may judge necessary, and lay his accounts before the Honorable Council for allowance, who are hereby requested to grant warrants on the Treasury for the payment of such sum as they judge reasonable for said service. [*Passed May 5.*]

Legislative  
Records of the  
Council,  
xl., 435.  
Mass.  
Archives,  
ccxxviii., 14.  
Mass.  
Resolves,  
March Session,  
chap. 313.

## CHAPTER 1123.

RESOLVE GRANTING £400 TO LEMUEL KOLLOCK, ESQ., AGENT ON THE ESTATE OF WILLIAM BROWN, ABSENTEE, TO PROSECUTE TRESPASSERS.

*Resolved*, That the sum of Four Hundred Pounds be paid out of the Treasury of this State to Lemuel Kollock, Esq., to enable him to carry on the prosecution against the trespassers on the land of William Brown, Esq., an absentee; said Kollock to be accountable for the expenditure of the same. [*Passed May 5.*]

Legislative  
Records of the  
Council,  
xl., 436.  
Mass.  
Archives,  
ccxxviii., 13.  
Mass.  
Resolves,  
March Session,  
chap. 306.

## CHAPTER 1124.

RESOLVE NULLIFYING ALL PERMITS TO PERSONS BELONGING TO NOVA SCOTIA TO BRING THEIR EFFECTS INTO THIS STATE AFTER THE 15TH OF JUNE NEXT.

WHEREAS many and great inconveniencies have arisen in consequence of permits being granted to a number of persons belonging to Nova-Scotia, for the purpose of bringing their effects from thence into this State, and availing themselves of said permits contrary to the original design thereof: Therefore

*Resolved*, That from and after the 15th day of June next, all such permits shall be null and void. [*Passed May 5.*]

Legislative  
Records of the  
Council,  
xl., 436.  
Mass.  
Archives,  
ccxxviii., 12.  
Mass.  
Resolves,  
March Session,  
chap. 299.



## CHAPTER 1125.

VOTE EMPOWERING THE COUNCIL TO CAUSE THE ARREST OF STEPHEN HALL AND OTHERS FOR REFUSAL TO DELIVER SALVAGE FROM THE WRECK OF THE CARTEL NANCY AT CAPE ELIZABETH.

Mass.  
Archives,  
ccxxvi., 339.

*Ante*, p. 400,  
chap. 864.

SIR

FALMOUTH May 2d 1780

Agreeable to a Resolve of the General Court of the 25th of March, 1780, I have made a demand for the delivery of the articles saved from the wreck [of the cartel Nancy at Cape Elizabeth]<sup>1</sup> mentioned in said Resolve from the following Persons, viz. Messieurs Stephen Hall, Joseph Maclallen, William Maclallen, Arthur Maclallen, Benjamin Titcomb, Daniel Ilsley, John Fox, John Archer, John Kent, Nathaniel Dearing, Joseph Ingraham, Robert Barten, Thomas Cummings, Thomas Stanford, James Fosdick and Woodbury Storer. Although they acknowledge the receiving the articles saved from said wreck [they] do refuse to deliver any of said articles.

I am sir

Your Honours most obedient and humble servant.

PETER NOYES

In Council

Read and sent down.

In the House of Representatives

Read and referred to the Honorable Council to take such Order thereon as they shall judge proper.

And the Council are hereby impowered to cause the persons therein-named to be apprehended and confined, until they shall comply with the Resolve of Court above referred to.

In Council

Read and Concurred. [*Passed May 5.*]

## CHAPTER 1126.

RESOLVES VESTING THE COUNCIL WITH EXTRAORDINARY POWERS DURING THE RECESS.

Legislative  
Records of the  
Council,  
xl., 437.

Mass.  
Archives,  
ccxxviii., 8.

Mass.  
Resolves,  
March Session,  
chap. 320.

WHEREAS it is necessary for the public safety that certain Powers should be lodged in the Council, other than those they are usually vested with: Therefore

*Resolved*, That, until the sitting of a new Assembly the Honorable the Council be and they hereby are fully authorized and impowered to nominate and appoint, as occasion may require, such commission officers in any of the land forces and armed vessels in the service and pay of this State, and also in the Militia, whose places by death or otherways are or may (during the recess of the Court) become vacant, as to them shall appear necessary, and put them under the command of such officer or officers as they may judge proper; also to treat and conclude treaties of amity and friendship with any Indians that may arrive in this State, and make such provision for them as they shall judge necessary. And it is further

*Resolved*, That the Major Part of the Council shall have full power and authority to examine, allow and pass on the pay-rolls of the sea-coast men and their commissaries accounts, and also the

<sup>1</sup> *Ante*, p. 400, chap. 864.



rolls of the militia, who may have been in service; any Act or Resolve to the contrary notwithstanding. And it is also .

*Resolved*, That the Honorable Council be and they hereby are authorized and impowered to detach from the militia of this State, under the proper officers of the same, any number not exceeding Two Thousand men, to do duty out of this State, but upon the Continent, for a term not exceeding four months, but subject to be recalled at any time by the Council or General Court. And also, if occasion shall require, to give orders for raising any number of men not exceeding One Thousand, for the defence of the Eastern Parts of this State, to be continued in service not exceeding three months, subject to be recalled as aforesaid, and appoint proper officers to command the same, and grant warrants on the Treasury for such sums as shall be necessary to supply the men so raised. And it is further

*Resolved*, That the Honorable Council be and hereby are authorized and impowered to grant permits to any of the inhabitants of the neighbouring States for the transportation of their effects out of this State, either by land or water, if the Council may judge it necessary and expedient.

*Resolved*, That the Honorable Council be and hereby are authorized and impowered to give such other directions and instructions to the Committee appointed to ascertain the ballances due to the officers and soldiers in the Continental army, and such soldiers as engaged to serve for three years, and their time of service has or may soon expire, as the Council may judge necessary.

*Resolved*, That the Council be and they hereby are impowered, until there shall be a General Assembly, to furnish the officers of the Hospital and Medical Staff in the Continental army, belonging to this State, with such articles of cloathing as those officers are respectively intitled to by the Resolution of Congress of the 20th of November 1779 making returns thereof to the Clothier-General in order that this State may have credit therefor in its account with the United States, agreeable to a Resolution of Congress of the 15th of April 1780.

*Resolved*, That the Council be and hereby are authorized and impowered to take effectual care that the army be supplied with provisions agreeable to a Resolution of Congress on the 26th of February last, until the next sitting of a General Assembly. [Passed May 5.<sup>1</sup>

<sup>1</sup> Prorogued to 17th of this instant May, Legislative Records of the Council, xl., 441.







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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1780.

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# LEGISLATIVE LIST

FOR

1780.

Action by MAJOR PART OF THE COUNCIL from May 31, 1780.

HON. SAMUEL ADAMS, Esq.,<sup>1</sup>

SECRETARY OF THE PROVINCE.

## COUNCILLORS OR ASSISTANTS.<sup>2</sup>

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts-Bay;*

HON: JAMES BOWDOIN	}	ESQRS.	HON: SAMUEL NILES	}	ESQRS.
THOMAS CUSHING			SAMUEL BAKER		
JABEZ FISHER			JOHN PITTS		
SAMUEL HOLTEN			ELEAZER BROOKS		
MOSES GILL			AARON WOOD		
BENJAMIN AUSTIN			STEPHEN CHOATE		
TIMOTHY DANIELSON			CALEB STRONG		
JOSIAH STONE			WILLIAM WHITING		
ABRAHAM FULLER			JOSEPH DORR		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;*

HON: WALTER SPOONER	}	ESQRS.	HON: NATHAN CUSHING	}	ESQRS.
DANIEL DAVIS			THOMAS DURFEE		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Main;*

HON: JEREMIAH POWELL, JOSEPH SIMPSON AND EDWARD CUTTS, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahoc and Nova Scotia;*

HON: HENRY GARDNER, ESQ.

<sup>1</sup> *Ante*, p. 498, chap. 1107.

<sup>2</sup> Legislative Records of the Council, xl., 447.



*For the State at large : —*

HON: ROBERT TREAT PAINE AND BENJAMIN WHITE, ESQRS.

# REPRESENTATIVES OR DEPUTIES.<sup>1</sup>

*May 31, 1780 to October 4, 1780.*

HON. JOHN HANCOCK, ESQ., SPEAKER.

HON. SAMUEL FREEMAN, ESQ., CLERK.

## COUNTY OF SUFFOLK.

*Boston*, . . Hon. John Hancock, Esq.,  
Caleb Davis, Esq.,  
Thomas Dawes, Esq.,  
John Lowell, Esq.,  
Samuel Austin, Esq.,  
Mr. Thomas Walley,  
John Rowe, Esq.  
*Roxbury*, . . Mr. David Weld.  
*Dorchester*, . Ebenezer Wales, Esq.  
*Milton*, . . Samuel Henshaw, Esq.  
*Braintree*, . . Richard Cranch, Esq.  
*Weymouth*, . Mr. Josiah Waterman.  
*Hingham*, . . Capt. Charles Cushing.  
*Cohasset*, . . Lieut. Stephen Stodder.  
*Dedham*, . . Mr. Abner Ellis.  
*Medfield*, . . Mr. Daniel Perry.  
*Wrentham*, . Mr. Lemuel Kollock.  
*Brookline*, . Col. Thomas Aspinwall.  
*Needham*, . Col. William McIntosh.  
*Stoughton*, . Thomas Crane, Esq.  
*Stoughtonham*, Mr. Nathaniel Kingsbury.  
*Medway*, . . Capt. Jonathan Adams.  
*Bellingham*, . Stephen Metcalf, Esq.  
*Walpole*, . . Maj. Seth Bullard.  
*Chelsea*, . . Capt. Jonathan Green.  
*Franklin*, . . Dr. John Metcalf.  
*Foxborough*, . Mr. John Everett.

## COUNTY OF ESSEX.

*Salem*, . . Hon. John Pickering, Esq.,  
Capt. Samuel Ward.  
*Danvers*, . . Hon. Samuel Holten, Esq.,<sup>2</sup>  
Col. Israel Hutchinson.  
*Ipswich*, . . Hon. Michael Farley, Esq.,  
Hon. Stephen Choate, Esq.<sup>2</sup>  
*Newbury*, . . Moses Little, Esq.,  
Col. Jacob Gerrish.

## COUNTY OF ESSEX — *Concluded.*

*Newbury Port*, Hon. Jonathan Greenleaf,  
Esq.,  
Jonathan Titcomb, Esq.  
*Marblehead*, . Hon. Azor Orne, Esq.,  
Jonathan Glover, Esq.,  
Joshua Orne, Esq.,  
William Raymond Lee, Esq.  
*Lynn*, . . . Mr. Samuel Burrill.  
*Andover*, . . Samuel Osgood, Esq.,  
Samuel Phillips, Jr., Esq.  
*Beverly*, . . Col. Larkin Thorndike.  
*Rowley*, . . Nathaniel Mighill, Esq.  
*Salisbury*, . Maj. Joseph Page.  
*Haverhill*, . Jonathan Webster, Esq.  
*Gloucester*, . Peter Coffin, Esq.  
*Topsfield*, . Mr. Zacheus Gould.  
*Almsbury*, . Jonathan Bagley, Esq.  
*Bradford*, . Mr. Peter Russel.  
*Boxford*, . . Maj. Asa Perly.

## COUNTY OF MIDDLESEX.

*Cambridge*, . Samuel Thatcher, Esq.  
*Charlestown*, . Nathaniel Gorham, Esq.  
*Watertown*, . Jonathan Brown, Esq.  
*Woburn*, . . Col. Loammi Baldwin.  
*Concord*, . . Maj. Joseph Hosmer.  
*Newton*, . . Mr. Thomas Parker.  
*Reading*, . . Capt. James Bancroft.  
*Marlborough*, . Mr. Simon Stow.  
*Billerica*, . . Maj. Edward Farmer.  
*Framingham*, . Mr. William Brown.  
*Lexington*, . Mr. Robert Harrington.  
*Chelmsford*, . Mr. Aaron Chamberlin.  
*Sherborn*, . . Daniel Whitney, Esq.  
*Sudbury*, . . Capt. Jonathan Rice.  
*Malden*, . . Ezra Sargeant, Esq.  
*Weston*, . . Mr. Joseph Roberds.

<sup>1</sup> There is no list of Representatives in the Legislative Records of the Council or the Journal of the House of Representatives for 1780 in the Division of Archives of the Secretary's Office, and said Journal was not printed according to a vote of the House, June 1, 1780, which accepted the report of the Committee on printing "that it was not expedient to print the Journals of the House at present." This list is compiled from those in the Boston Gazette and the Independent Ledger of June 5, the Continental Journal and the Independent Chronicle of June 1, and a list of "Members returned after ye first day" in the House Journal, which is fragmentary.

<sup>2</sup> Chosen Councillor.



COUNTY OF MIDDLESEX—*Concluded.*

<i>Medford</i> , . .	Thomas Brooks, Esq.
<i>Hopkinton</i> , . .	Capt. Gilbert Dench.
<i>Westford</i> , . .	Capt. Joseph Reed.
<i>Waltham</i> , . .	Jonas Dix, Esq.
<i>Groton</i> , . .	Hon. James Prescott, Esq.
<i>Pepperill</i> , . .	Col. Henry Wood.
<i>Townsend</i> , . .	Lieut. James Lock.
<i>Wilmington</i> , . .	Capt. John Harnden.
<i>Dracut</i> , . .	Capt. Joseph Bradley Varnum.
<i>Tewksbury</i> , . .	Col. Jonathan Brown.
<i>Acton and</i> } <i>District of</i> } <i>Carlisle</i> , }	Capt. Simon Hunt.
<i>Dunstable</i> , . .	Hon. John Tyng, Esq.
<i>Lincoln</i> , . .	Hon. Eleazer Brooks, Esq. <sup>1</sup>
<i>East Sudbury</i> , . .	Capt. Richard Heard.

## COUNTY OF HAMPSHIRE.

<i>Springfield</i> , . .	Col. Jonathan Hale, Mr. Thomas Williston.
<i>West Spring-</i> { <i>field</i> , }	Maj. Benjamin Ely, Abraham Burbank, Esq.
<i>Northampton</i> , . .	Capt. Elijah Hunt, Mr. Ephraim Wright.
<i>Hadley</i> , . .	Mr. Charles Phelps.
<i>Amherst</i> , . .	Mr. Ebenezer Mattoon, Jr.
<i>Granby</i> , . .	Capt. Phineas Smith.
<i>Hatfield</i> , . .	John Hastings, Esq.
<i>Williamsburgh</i> , . .	Mr. Joseph Johnson.
<i>Westfield</i> , . .	Mr. Samuel Fowler.
<i>Greenfield</i> , . .	Mr. David Smead.
<i>Sunderland</i> , . .	Capt. Israel Hubbard.
<i>Brimfield</i> , . .	Mr. Daniel Burt.
<i>Monson</i> , . .	Mr. Abel Goodell.
<i>Blandford</i> , . .	Mr. William Boies.
<i>Granville</i> , . .	Mr. Oliver Phelps, Mr. Josiah Harvey.
<i>Belchertown</i> , . .	Mr. Joseph Smith.
<i>Southwick</i> , . .	Mr. Abner Fowler.
<i>Cummington</i> , . .	Capt. William Ward.
<i>South Hadley</i> , . .	Hon. Noah Goodman, Esq.
<i>Deerfield</i> , . .	Mr. David Sexton.
<i>Conway</i> , . .	Mr. Jonathan Whitney, Mr. Oliver Wetmore.
<i>Pelham</i> , . .	Capt. John Thompson.
<i>Shelburne</i> , . .	Dr. John Long.
<i>Ludlow</i> , . .	Dr. Aaron John Miller.
<i>Norwich</i> , . .	Mr. John Kirkland.
<i>Wilbraham</i> , . .	Col. John Bliss.
<i>Southampton</i> , . .	Mr. Jonathan Judd, Jr.

## COUNTY OF PLYMOUTH.

<i>Plymouth</i> , . .	Hon. James Warren, Esq.
<i>Scituate</i> , . .	Rev. Charles Turner, Mr. Daniel Damon.
<i>Duxbury</i> , . .	Hon. George Partridge, Esq.
<i>Marshfield</i> , . .	Mr. Samuel Oakman.
<i>Bridgewater</i> , . .	Capt. Nathan Mitchell, Maj. Josiah Hayden.
<i>Middleborough</i> , . .	Dr. Samuel Clark.
<i>Rochester</i> , . .	Col. Ebenezer White.
<i>Plympton</i> , . .	Lieut. Francis Shurtliff.
<i>Pembroke</i> , . .	John Turner, Esq.
<i>Kingston</i> , . .	William Drew, Esq.
<i>Abington</i> , . .	Mr. Samuel Pool.
<i>Hanover</i> , . .	Mr. David Jacob.

## COUNTY OF BARNSTABLE.

<i>Barnstable</i> , . .	Edward Bacon, Esq.
<i>Sandwich</i> , . .	Nathaniel Freeman, Esq.
<i>Yarmouth</i> , . .	Capt. Edmund Howes.
<i>Wellfleet</i> , . .	John Greenough, Esq.
<i>Chatham</i> , . .	Mr. Richard Sears.
<i>Harwich</i> , . .	Solomon Freeman, Esq., Joseph Nye, Esq.
<i>Eastham</i> , . .	Barnabas Freeman, Esq.
<i>Falmouth</i> , . .	Maj. Joseph Dimmuck.
<i>Truro</i> , . .	Mr. Silvanus Snow.

## COUNTY OF BRISTOL.

<i>Taunton</i> , . .	Capt. Ichabod Leonard.
<i>Rehoboth</i> , . .	Mr. Ephraim Starkweather, Capt. Stephen Bullock.
<i>Swansey</i> , . .	Hon. Jerathneel Bowers, Esq.
<i>Dartmouth</i> , . .	Edward Pope, Esq., Capt. Job Almy.
<i>Norton</i> , . .	Hon. George Leonard, Esq.
<i>Mansfield</i> , . .	Capt. Samuel White.
<i>Attleborough</i> , . .	Maj. Elisha May, Col. John Dagget.
<i>Freetown</i> , . .	Mr. John Hathaway.
<i>Raynham</i> , . .	Capt. Israel Washburn.
<i>Berkley</i> , . .	Samuel Toby, Esq.
<i>Easton</i> , . .	Capt. James Perry.
<i>Dighton</i> , . .	Mr. Abiezer Phillips.

## COUNTY OF YORK.

<i>York</i> , . .	Col. Edward Grow.
<i>Kittery</i> , . .	John Frost, Esq.
<i>Wells</i> , . .	Capt. Joshua Bragdon.
<i>Berwick</i> , . .	Hon. Benjamin Chad- bourne, Esq.

<sup>1</sup> Chosen Councillor.



## COUNTY OF WORCESTER.

<i>Worcester,</i>	. Samuel Curtis, Esq.
<i>Lancaster,</i>	. Capt. William Putnam.
<i>Mendon,</i>	. Maj. Ebenezer Thompson.
<i>Brookfield,</i>	. Dwight Foster, Esq.
<i>Oxford,</i>	. Edward Davis, Esq.
<i>Charlton,</i>	. Jacob Davis, Esq.
<i>Sutton,</i>	. Amos Singletary, Esq.
<i>Leicester,</i>	. Maj. Seth Washburn.
<i>Spencer,</i>	. Mr. Oliver Watson.
<i>Rutland,</i>	. John Fessenden, Esq.
<i>Oakham,</i>	. Capt. Isaac Stone.
<i>Westborough,</i>	. Dr. James Hawes.
<i>Shrewsbury,</i>	. Mr. Ephraim Beaman.
<i>Fitchburg,</i>	. Capt. Thomas Cowdin.
<i>Uxbridge,</i>	. Nathan Tyler, Esq.
<i>Dudley,</i>	. Edward Davis, Esq.
<i>Bolton,</i>	. Mr. Ephraim Fairbank.
<i>Sturbridge,</i>	. Mr. Joshua Harding.
<i>Leominster,</i>	. Israel Nichols, Esq.
<i>Holden,</i>	. John Child, Esq.
<i>Northbridge,</i>	. Mr. Jonathan Bacon.
<i>Hardwick,</i>	. Mr. William Paige.
<i>Douglas,</i>	. Lieut. Ebenezer Marsh.
<i>New Braintree,</i>	. Maj. Joseph Bowman.
<i>Royalston,</i>	. John Fry, Esq.
<i>Ashburnham,</i>	. Samuel Wilder, Esq.
<i>Barre,</i>	. John Mason, Esq.
<i>Paxton,</i>	. Capt. Phinehas Moore.

## COUNTY OF CUMBERLAND.

<i>Falmouth,</i>	. Hon. Jedediah Preble, Esq.
<i>Scarborough,</i>	. Mr. Samuel Small.
<i>North Yarmouth,</i>	. John Lewis, Esq.
<i>Gorham,</i>	. Solomon Lombard, Esq.
<i>Cape Elizabeth,</i>	. Clement Jordan, Esq.

## COUNTY OF BERKSHIRE.

<i>Sheffield,</i>	. Mr. Theodore Sedgwick, Dr. Samuel Barnard.
<i>Great Bar-</i>	} Maj. William King.
<i>rington.</i>	
<i>Stockbridge,</i>	. John Bacon, Esq., Jahleel Woodbridge, Esq.
<i>Pittsfield,</i>	. Capt. James Easton.
<i>Tyringham,</i>	. Lieut. Joseph Wilson.
<i>Lanesborough,</i>	. James Barker, Esq., Capt. Asa Barnes.
<i>Washington,</i>	. Mr. Artemas Easton.
<i>Hancock,</i>	. Mr. Samuel Hand.
<i>New Marl-</i>	} Jabez Ward, Esq.
<i>borough.</i>	
<i>Lee,</i>	. Mr. Amos Mansfield.
<i>Sandisfield,</i>	. Mr. James Ayrault.
<i>Williamstown,</i>	. Capt. Stephen Davis.
<i>Adams,</i>	. Capt. Reuben Hinman.
<i>Lenox,</i>	. Col. Caleb Hyde, Capt. William Walker.



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE THIRTY-FIRST DAY OF MAY, A.D. 1780.

## CHAPTER 1.

RESOLVE ALLOWING WILLIAM WHITING AND OTHERS TO BRING IN  
A BILL FOR MENDING AND REPAIRING THE HIGHWAY THROUGH  
THE GREEN WOODS IN HAMPSHIRE AND BERKSHIRE COUNTIES.

Legislative  
Records of the  
Council,  
xl., 451.  
Mass.  
Archives,  
ccxviii., 65.  
Mass.  
Resolves,  
May Session,  
chap. 1.

ON THE PETITION of William Whiting, and others, praying for  
a grant of a lottery, for mending and repairing of the high-way<sup>1</sup>  
through the Green-Woods, so called, in the counties of Hampshire  
and Berkshire [from Westfield to Great Barrington]:<sup>2</sup>

*Resolved*, That the prayer of said petition be granted; and that  
the petitioners have leave to bring in a bill for the purpose men-  
tioned in said petition. [*Passed June 2.*]

Mass.  
Archives,  
ccxviii., 63.

## CHAPTER 2.

RESOLVE PERMITTING ELIZABETH ATKINSON AND HER CHILD TO  
RETURN TO THIS STATE FROM NEW YORK FOR THE RECOVERY  
OF HER HEALTH AND TO VISIT FRIENDS.

THE COMMITTEE of both Houses on the Petition of Ebenezer  
Storer report the following Resolve

JOHN PITTS per Order

On the Petition of Ebenezer Storer, praying that his daughter  
Elizabeth Atkinson, with her child, may have liberty to come  
from New-York into this State, for the recovery of her health, and  
to visit their friends:

Legislative  
Records of the  
Council,  
xl., 453.  
Mass.  
Archives,  
ccxviii., 76.  
Mass.  
Resolves,  
May Session,  
chap. 2.

*Resolved*, That the prayer of the petition be granted; and that  
the aforesaid Elizabeth Atkinson, with her child, be, and hereby  
are permitted to return into this State, for the reasons set forth  
in the above-mentioned petition, and to continue therein during  
the pleasure of the General Court, any act or resolve of this State  
to the contrary notwithstanding.

Mass.  
Archives,  
ccxviii., 77.

In the House of Representatives

Read and Accepted

In Council

Read and Concurred. [*Passed June 3.*]<sup>3</sup>

<sup>1</sup> "The Great Road from Boston to Albany."

<sup>2</sup> Massachusetts Archives, ccxviii., 63.

<sup>3</sup> This date is same in Legislative Records of the Council, but June 2 according to  
Massachusetts Resolves.



## CHAPTER 3.

RESOLVE ALLOWING THE TOWN OF WORCESTER TO CHOOSE A COLLECTOR OR COLLECTORS IN THE PLACE OF JAMES MCFARLAND, WHO IS IN A POOR STATE OF HEALTH, WITH THE SAME POWERS AS IF ELECTED AT THE ANNUAL MARCH MEETING.

Legislative  
Records of the  
Council,  
xl., 451.  
Mass.  
Archives,  
ccxxviii., 72.  
Mass.  
Resolves,  
May Session,  
chap. 8.

Mass.  
Archives,  
ccxxviii., 73.

ON THE PETITION of James McFarling [McFarland],<sup>1</sup> of Worcester, chosen a Collector for said town, setting forth, that by his being in such a poor state of health, he is not able to perform the service of a Collector for said town of Worcester, and praying this Court may empower the said town to choose some person in his room for a Collector the present year, the month of March by law appointed for that purpose notwithstanding:

*Resolved*, That the prayer of said petition be so far granted, that the town of Worcester (if they see cause) may choose some other person or persons to serve as Collector or Collectors in the room and stead of said James McFarling [McFarland];<sup>1</sup> and such choice, if made, shall, to all intents and purposes, be as valid in law for collecting all rates or taxes whatsoever that shall or has been assessed in said town of Worcester this present year, as if said Collector or Collectors had been chosen at their annual town meeting in the month of March, any law to the contrary notwithstanding. [*Passed June 3.*]

## CHAPTER 4.

RESOLVES APPOINTING AND EMPOWERING SAMUEL OSGOOD, ESQ., AND OTHERS A COMMITTEE ON ACCOUNTS, GRANTING THEM £50,000 AND MAKING AN ESTABLISHMENT FOR THEM.

Legislative  
Records of the  
Council,  
xl., 452.  
Mass.  
Archives,  
ccxxviii., 74.  
Mass.  
Resolves,  
May Session,  
chap. 9.

In the House of Representatives

*Resolved*, That Samuel Osgood, Lemuel Kollock, Richard Cranch, Seth Washburn, Ephraim Starkweather, Jonathan Webster, and Joseph Hosmer, Esquires, be a Committee on the part of this House, whose business it shall be to receive and examine all accounts (not otherwise ordered) which are duly authenticated, for any service done, or expence incurred, in consequence of any Order or Resolve of the General Court, and to allow so much thereon as shall appear to them to be reasonable and just; and the doings of said Committee respecting such accounts, or any four of them (who are hereby appointed a quorum) shall be considered as valid, during the recess as well as in the sitting of the General Court, as any Vote or Resolve of this Court; and said Committee shall keep a fair record, expressing the names of the persons whose accounts they shall allow, the towns they severally belong to, the sums allowed to them respectively, and the occasion of the charge. It is further

*Resolved*, That the honorable Council, or such Committee as they shall appoint on their part, be, and they hereby are empowered, both in the sitting and recess of the General Court, to concur all accounts of the nature before-mentioned, that shall have been allowed by the Committee of the House as aforesaid, as far as shall appear to them just and reasonable, and duly authenticated: And the Secretary is hereby directed to keep all those accounts which shall be paid in pursuance of this Resolve in separate files, to be laid before the House for inspection, when called for.

<sup>1</sup> Massachusetts Archives, ccxxviii., 73.



And the Council are hereby authorized to issue their warrants from time to time on [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer, in favour of said Committee of Council, for such sum or sums of money as they (the said Council) shall judge necessary for the payment of such accounts as is above described: Provided, The amount of such warrants shall not exceed the sum of Fifty Thousand Pounds. Said Committee to be accountable for the money they shall so receive. It is further

*Resolved*, That there be paid, at the expence of the State, to those Members of this House who shall be of the Committee aforesaid, the half of their pay as Members of the House, for the time they shall attend while the General Court is sitting.

In Council

Read and Concurred and Jabez Fisher, Benjamin White and Daniel Davis, Esquires, are joined on the part of the Board for the purpose abovementioned. [*Passed June 3.*]

## CHAPTER 5.

RESOLVE GRANTING £3,000, IN ADDITION TO THE ANNUAL GRANT OF £45, TOWARDS THE SUPPORT OF A GOSPEL MINISTER IN PROVINCETOWN.

ON THE PETITION of the Rev. Samuel Parker, of Provincetown, praying for an addition to the grant lately made towards the support of a gospel minister in said town:

*Resolved*, That there be paid out of the public treasury of this State, Three Thousand Pounds, in addition to the annual grant of forty-five Pounds, made to said town by Resolve of the Great and General Court of this State, passed the 26th of February, 1774, and to be appropriated to the use of the inhabitants of said town agreeable to said Resolve; which said additional sum, with said forty-five Pounds, shall be in full till the 1st day of May last past. [*Passed June 3.*]

Legislative  
Records of the  
Council,  
xl., 454.  
Mass.  
Archives,  
ccxxviii., 79.  
Mass.  
Resolves,  
May Session,  
chap. 7.  
Province  
Laws, xviii.,  
777, chap. 133.

## CHAPTER 6.

RESOLVE PERMITTING REBECCA THOMPSON, OF MEDFORD, TO GO TO HER HUSBAND JOSEPH THOMPSON IN ENGLAND.

ON THE PETITION of Rebecca Thompson, praying she may have liberty to go to England by the first convenient opportunity, to her husband [Joseph Thompson],<sup>2</sup> and have leave also to return to this State again [if the country should prove disagreeable to her or any accident should happen to her beloved husband].<sup>3</sup>

*Resolved*, That the prayer of the petition be so far granted, as that she has liberty to go to England by the first convenient opportunity, not to return again without leave first obtained from the General Court of this State; and the Committee of Inspection for the town of Medford are hereby directed to see that she carries no letters or papers that may be detrimental to this or the United States of America. [*Passed June 3.*]

Legislative  
Records of the  
Council,  
xl., 455.  
Mass.  
Archives,  
clxxxvi., 205.  
Mass.  
Resolves,  
May Session,  
chap. 4.  
Mass.  
Archives,  
clxxxvi., 203.

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> Sabin, *Loyalists of the American Revolution and Medford Vital Records*.

<sup>3</sup> Massachusetts Archives, ccxxviii., 203.



## CHAPTER 7.

RESOLVE DIRECTING THE BOARD OF WAR TO MAKE DUE ALLOWANCE TO WILLIAM MOORE, THEIR AGENT, FOR THE LOSS OF WAGONS, HORSES, OXEN AND FLOUR SEIZED AND SOLD IN THE STATE OF NEW YORK.

Legislative  
Records of the  
Council,  
xl., 466.  
Mass.  
Archives,  
cexxviii., 66.  
Mass.  
Resolves,  
May Session,  
chap. 10.

Mass.  
Archives,  
cexxviii., 67;  
cclxxxv., 93.

UPON THE PETITION of William Moore, praying that the Board of War should be empowered to make him such allowance as may appear to them to be just and reasonable, for his extraordinary charge and trouble in consequence of his being stopt in the State of New-York (when purchasing flour for the Board of War of this State) and his waggons, horses, oxen and flour seized, condemned and sold:

*Resolved*, That the Board of War be, and hereby are empowered and directed, in their settlement with the aforesaid Moore, to make him such allowance, in the settlement of his accounts and expences occasioned by the aforesaid seizure, as to them may appear just and reasonable. [*Passed June 3.*]

## CHAPTER 8.

RESOLVE DIRECTING THE TREASURER TO ISSUE HIS EXECUTIONS AGAINST DELINQUENT COLLECTORS IN SUFFOLK, MIDDLESEX AND ESSEX COUNTIES THE 19<sup>TH</sup> OF JUNE INSTANT AND TO ALL OTHERS ON THE 30<sup>TH</sup>.

Legislative  
Records of the  
Council,  
xl., 466.  
Mass.  
Archives,  
cexxviii., 69.  
Mass.  
Resolves,  
May Session,  
chap. 5.

WHEREAS the exigencies of government require an immediate payment of the outstanding taxes:

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be directed to issue his executions against all such Collectors of taxes in the counties of Suffolk, Middlesex, and Essex, who shall be deficient in their payments on the 19th day of June instant; and against all deficient Collectors in this State, who shall not compleat their respective payments by the 30th day of June instant. This order to have respect only to such taxes as are to be paid before the 1st of May last. [*Passed June 3.*]

## CHAPTER 9.

RESOLVE DIRECTING THAT THE FARM OF NATHANIEL DICKINSON, A REFUGEE, IN DEERFIELD BE USED BY THE PURCHASING COMMISSARY FOR PASTURING CATTLE FOR THE USE OF THE ARMY, THE COMMITTEE OF DEERFIELD TO TAKE CHARGE OF SAME.

Legislative  
Records of the  
Council,  
xl., 466.  
Mass.  
Archives,  
cexxviii., 70.  
Mass.  
Resolves,  
May Session,  
chap. 6.

*Ante*, p. 459,  
chap. 1022.

WHEREAS the farm of Nathaniel Dickinson, late of Deerfield, in the county of Hampshire, a refugee, is not as yet leased out by the Committee of Deerfield, appointed for that purpose; and as the said farm may be better improved for the use of the State for pasturing cattle for the use of the Army: Therefore

*Resolved*, That said farm be kept for the benefit of the State, for the above purpose, and be used by the purchasing Commissary, as he shall think proper, any Resolve to the contrary notwithstanding; and the said Committee of Deerfield are hereby directed to take the charge of said farm, and keep the fences in good repair, that no trespass be committed on the premises, and lay their accounts before the Committee of Accounts for allowance and payment. [*Passed June 3.*]

<sup>1</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 10.

RESOLVE DIRECTING THE COMMITTEE ON MUSTER ROLLS TO EXAMINE THE ROLLS OF THE GUARDS AT BROOKFIELD AND MAKE THEM THE SAME ALLOWANCE OF CONTINENTAL AND STATE PAY AS THOSE AT SPRINGFIELD.

ON THE PETITION of Capt. Nathan Hamilton and Ithamar Wright, Chairman of the Committee of Brookfield, setting forth, that a number of soldiers, employed as guards over the Continental stores, necessarily detained in the town of Brookfield, for a short time, for which they have received no pay: Therefore

*Resolved*, That the Committee on muster-rolls be directed to examine the rolls for said men; and that the same pay be allowed them as was allowed to the guards doing duty at Springfield of equal rank, at that time, by a Resolve of this Court, both Continental and State pay; and the Continental pay to be charged to the Continent. [*Passed June 3.*]

Legislative  
Records of the  
Council,  
xl., 467.  
Mass.  
Archives,  
ccxxviii., 71.  
Mass.  
Resolves,  
May Session,  
chap. 3.

*Ante*, p. 116,  
chap. 226.

## CHAPTER 11.

RESOLVES FOR RAISING 3,934 SIX MONTHS' MEN FOR RE-ENFORCING THE CONTINENTAL ARMY.

THE COMMITTEE of both Houses appointed to consider the Letter from the Committee of Congress of the 25th of May have attended that service and beg leave to report the following Resolves which are submitted.

WILLIAM SPOONER per Order

Whereas a requisition has been made to this Court for a reinforcement for the Continental Army, in order that it may be able to act vigorously in the ensuing campaign; and the present situation of affairs requiring the utmost exertions at this period, and affords the most flattering prospect of putting an end to this distressing war, if the army is reinforced at this juncture, and enabled to improve the great advantages now offered:

*Resolved*, That there be Three Thousand nine Hundred and thirty-four men raised within the several towns and plantations in this State, hereafter mentioned, by draft, lot, or voluntary enlistment; each town and plantation to furnish their quota agreeable to the schedule herewith annexed: And for the more effectually carrying this Resolve into execution, the Brigadier or Commanding Officer of each brigade within this State, shall immediately, on receipt hereof, issue his orders to the Colonel or Commanding Officer of each regiment in his brigade, to cause the several companies in their respective regiments to be called together forthwith, and a number of men, equal to the number assigned to each town and plantation in his brigade in the following list, to be immediately raised as aforesaid, to be incorporated in the battalions raised in this State; said men, so raised, to serve for the term of six months, from the time they shall respectively appear at Springfield, or such other place as [Gen. Washington]<sup>1</sup> the Commander in Chief shall direct the place of their rendezvous, unless sooner discharged; and cause the men, so procured, to be mustered by the respective county Muster-Masters. Said drafts to be made from the male inhabitants of each town and plantation, of sixteen years old and upwards, except settled Ministers of

Legislative  
Records of the  
Council,  
xl., 455.  
Mass.  
Archives,  
ccxxviii., 80-  
100. Mass.  
Resolves,  
May Session,  
chap. 11.

Mass.  
Archives,  
ccxxviii., 388.  
Province  
Laws, v., 626,  
chap. 36; 1198,  
chap. 48.

<sup>1</sup> Heitman, Historical Register of Officers of the Continental Army.



the gospel, and the President, Professors, Tutors, Librarian, and Students, of Harvard-College. The returns thereof from the several towns and plantations in the counties of Suffolk, Essex, Middlesex, Plymouth, and Bristol, to be made into the Secretary's-office on or before the 25th day of June inst. The returns from the several towns and plantations in the counties of Barnstable, Worcester, Hampshire, and York, to be made into said office on or before the 1st day of July next. The returns from the several towns and plantations in the county of Berkshire, to be made into said office on or before the 6th day of July next.

And also to cause said men to be delivered to such person as may be appointed by this Court as a Superintendant of the county from whence they are procured in the counties of Suffolk, Essex, Middlesex, Plymouth and Bristol, on the 20th day of June instant; in the counties of Worcester, Hampshire, Barnstable and York, on the 26th day of June instant; in the county of Berkshire, on the 1st day of July next; together with a descriptive list of their persons, ages, statures, the places of their abode, and the regiment and company from which they shall have been procured; which Superintendant shall cause the men so delivered to him, to be immediately marched to the place of rendezvous, under the care of such person as he shall appoint for the purpose, who shall be reasonably allowed and paid for his time, service and expence in conducting said troops; and the Superintendant shall make a descriptive list, as aforesaid, of said men by him from time to time sent to the place of rendezvous, and take receipts upon the said lists from such persons as they shall appoint to conduct them to the place of rendezvous, and forward copies of such lists and receipts to such person appointed as Commissioner to receive the inlisted or drafted men. And it is further

*Resolved*, That Justin Ely, Esq., be, and he hereby is appointed a Commissioner to repair to the place of rendezvous, and there reside for the purpose of receiving the men procured as aforesaid from this State, and of delivering them over to such Continental officer as may be appointed by [Gen. Washington]<sup>1</sup> the Commander in Chief to receive them. And the said Justin Ely, Esq., is hereby required to give receipts for such men as shall be delivered to him, and to make out such descriptive lists as aforesaid of them from time to time delivered over to such Continental officers, and take receipts thereon from them, and transmit copies of such lists and receipts to [Gen. Washington]<sup>1</sup> the Commander in Chief of the army, and to the Secretary's-office in this State. And it is further

*Resolved*, That if any man shall be drafted, who shall not pass muster, or be of sufficient ability of body to serve in person, he shall nevertheless hire some able-bodied man to serve in his stead, or pay a fine of one Hundred and fifty Pounds, if of ability to pay it, in the judgement of the major part of the Selectmen of the town for which he is drafted, to be paid within twenty-four hours next after his being so drafted; and in default thereof the person drafting him shall and may issue a warrant of distress, directed to the Clerk of the company, or a Constable of the town, requiring him to levy and collect the same by distress and sale of the delinquents goods and chattles; and the officer to whom the warrant of distress shall be directed, is to be governed in the execution thereof, by the rules prescribed by law for collecting public taxes; and any able-bodied man who may be drafted as aforesaid and duly notified thereof, who shall not within twenty-four hours after procure some able-bodied effective man in his room, to the acceptance of those

<sup>1</sup> Heitman, Historical Register of Officers of the Continental Army.



who drafted him, or within twenty-four hours pay a fine of one Hundred and fifty Pounds, shall be considered as a soldier in the Continental Army for the term of six months from the time he shall arrive at the place of rendezvous aforesaid, to every intent and purpose, and shall be subject to all the penalties of the laws for desertion, in case he does not attend the service required of him by these Resolutions. And in all cases where any man refuses to attend the said service by keeping out of the way or otherwise, another man shall be drafted or in some other manner provided in his room. And in towns or plantations where a company shall be destitute of a Captain or Subaltern to discharge the duties enjoined by these Resolves, the Selectmen and Committees of Safety, &c. or the major part of them, or where there is but one of those orders, such of them as may be there subsisting shall have all the power and authority given by this Resolve to the Commissioned Officers of any company, and subject to the same commands and penalties; and the muster-masters already appointed by the General Court in the several counties to muster Continental soldiers, are hereby empowered and directed to muster the men procured as aforesaid, if they are able-bodied effective men, and for that purpose to attend at such place or places as the Brigadier or Commanding Officer of the brigade shall direct. And if by payment of the aforesaid fines and forfeitures throughout the individuals of any company, a deficiency shall remain as to the said lists, after application of the said fines and forfeitures for the purpose of hiring men, the Commissioned Officers, Selectmen, or Committees shall proceed to draft over again, having regard to services already done, until their quota be compleated by hiring with fines, or drafting as aforesaid.

*Resolved*, That the Selectmen of the several towns, and Committees of Plantations in this State, from whence men may be raised as aforesaid, are required and directed to pay to each man six Shillings per mile to the place of destination, for their support and carrying their packs, and lay their accounts before the Committee on Accounts, for allowance and payment.

*Resolved*, That no prisoner or deserter that may be inlisted by any town in this State, shall be considered to exempt such place from filling up their proportion hereafter mentioned.

*Resolved*, That every Brigadier, or the Commanding Officer of a brigade, who shall refuse or neglect to execute and discharge the duties enjoined upon him by these resolves, for drafting the men as is therein expressed, shall be forthwith dismissed from his office of Brigadier or other rank of office by virtue of which he is Commanding Officer of a brigade. And every Commanding Officer of a regiment, who shall refuse and neglect to discharge the duties required of him by these resolves, shall be reported by his superior officer to the General Court. And all Commissioned Officers in the counties of Suffolk, Essex, Middlesex, Plymouth and Bristol, neglecting or disobeying the commands of their superior officers for drafting the men as aforesaid, for each man so deficient in the company to which they belong, on the 25th day of June instant, shall severally forfeit and pay the sum of Three Hundred Pounds. And all Commissioned Officers in the counties of Worcester, Hampshire, Barnstable, Berkshire and York, neglecting or disobeying as aforesaid, for each man so deficient in the companies to which they respectively belong, on the 30th day of June instant, shall severally forfeit and pay the sum of Three Hundred Pounds. And the Selectmen jointly, Committees of Safety jointly, Constables, or Clerks of companies, neglecting the duties required of them by these Resolves, respecting the drafting and prosecution as afore-



said, according to the time set for the several counties, shall individually be liable to the same rate of fines and forfeitures as the Commissioned Officers last mentioned. The said fines and forfeitures shall be prosecuted for by the Superintendant of the county where they were incurred, who shall be accountable to this State for, and pay into the treasury thereof, two-thirds of the same, in a reasonable time, the other third to enure to him, in consideration of his performing said service. And [Henry Gardner, Esq.]<sup>1</sup> the Treasurer of this State is hereby empowered and directed, in case of any neglect in the Superintendants, to sue for and recover the same of said Superintendants.

*Resolved*, That where any deficiency shall remain in the quotas by these resolves assigned to any or either of the towns and plantations in the counties of Suffolk, Essex, Middlesex, Plymouth and Bristol, on the 25th day of June instant, or in the quotas of any or either of the towns or plantations in the counties of Barnstable, Worcester, Hampshire, Berkshire and York, on the 30th day of June instant, those deficient towns and plantations shall severally incur the penalty of Three Hundred Pounds, for the use of this State, for every man they shall be deficient as aforesaid, which shall be added to the next State-tax of such town or plantation.

*Resolved*, That every person procured as aforesaid for the term of six months, shall supply himself with a good firelock, bayonet, cartouch-box, haversack and blanket; and shall, at the expiration of the time of his service, if he produce a certificate from his Captain or other Commanding Officer of his company, that he hath been constantly provided therewith at his own expence, receive, for the use of his firelock, bayonet and cartouch-box, five Pounds, and for the use of his blanket, fifteen Pounds, and in like proportion for any or either of them.

*Resolved*, That the men who shall be inlisted or drafted from the militia of the several towns in this State, by force of the foregoing Resolves, shall be held and returned for the towns whereof they are inhabitants, and no other; and all contracts or agreements made with any person to serve for any other town than that whereof he is an inhabitant, shall be null and void.

*Resolved*, That Maj. Stephen Badlam be Superintendant for the county of Suffolk,

Col. Israel Hutchinson for the county of Essex,  
Maj. Joseph Hosmer for the county of Middlesex,  
Noah Goodman, Esq., for the county of Hampshire,  
Maj. Nathaniel Goodwin for the county of Plymouth,  
Col. James Williams for the county of Bristol,  
Maj. Seth Washburn for the county of Worcester,  
Nathaniel Freeman, Esq., for the county of Barnstable,  
Col. Ichabod Goodwin for the county of York, and  
Capt. Isaac Marsh for the county of Berkshire.

<sup>1</sup> *Ante*, p. 337, chap. 734.



## THE SCHEDULE.

<i>County of Suffolk.</i>		<i>County of Middlesex—Con.</i>		<i>County of Plymouth—Con.</i>	
Boston	136	Hopkinton	13	Halifax	9
Roxbury	23	Natick	7	Wareham	9
Dorchester	21	Dracut	12		
Milton	14	Bedford	7		366
Braintree	36	Holliston	13		
Weymouth	20	Tukesbury	12		
Hingham	33	Acton	9	<i>County of Bristol.</i>	
Dedham	32	Dunstable	11	Taunton	44
Medfield	11	Lincoln	11	Rehoboth	50
Walpole	13	Wilmington	12	Swansey	30
Wrentham	22			Dartmouth	71
Franklin	15		516	Norton	18
Brookline	6			Mansfield	13
Needham	17	<i>County of Hampshire.</i>		Attleborough	29
Stoughton	31	Springfield	24	Dighton	18
Stoughtonham	13	Wilbraham	18	Freetown	22
Foxborough	17	Northampton	22	Rainham	13
Medway	13	Southampton	13	Easton	16
Bellingham	8	Hadley	13	Berkley	10
Hull	2	South-Hadley	9		
Chelsea	6	Amherst	15		334
Cohasset	9	Granby	7		
	488	Hatfield	11	<i>County of Barnstable.</i>	
		Whately	7	Barnstable	36
		Williamsburgh	7	Sandwich	31
<i>County of Essex.</i>		Westfield	19	Yarmouth	24
Salem	62	Deerfield	13	Eastham	22
Danvers	30	Greenfield	11	Harwich	24
Ipswich	50	Shelburne	11	Wellfleet	8
Newbury	44	Montague	9	Chatham	11
Newbury-Port	49	Conway	13	Truro	11
Marblehead	24	Northfield	11	Falmouth	20
Lynn	31	Sunderland	7		187
Andover	34	Brimfield	13		
Salisbury	23	South-Brimfield	11	<i>County of Worcester.</i>	
Haverhill	28	Monson	11	Worcester	22
Gloucester	32	Pelham	12	Lancaster	40
Topsfield	11	Greenwich	13	Mendon and Milford	29
Boxford	14	Blandford	12	Brookfield	35
Almsbury	23	Leverett	4	Oxford	13
Beverly	31	Palmer	10	Charleston	20
Bradford	16	Granville	17	Sutton	36
Wenham	6	New-Salem	14	Leicester	14
Middleton	9	Belchertown	15	Spencer	16
Manchester	7	Colerain	8	Paxton	8
Rowley	24	Ware	9	Rutland	13
Methuen	17	Warwick	11	Oakham	8
	565	Bernardstown	9	Barre	18
		Murrayfield	7	Hubbardston	7
		Charlemont	7	New-Braintree	11
<i>County of Middlesex.</i>		Buckland	2	Southborough	10
Cambridge	25	Ashfield	2	Westborough	12
Charlestown	6	Chesterfield-Gore	2	Northborough	7
Watertown	13	Worthington	9	Shrewsbury	21
Woburn	24	Shutesbury and Er-	9	Lunenburg	15
Concord	16	vingshire	9	Uxbridge	16
Carlisle	7	Chesterfield	14	Harvard	17
Reading	23	Southwick	6	Dudley	14
Newton	20	West-Springfield	24	Bolton	16
Marlborough	21	Ludlow	6	Upton	11
BillERICA	16	Norwich	4	Sturbridge	19
Framingham	20	Cummington	4	Leominster	13
Lexington	11	Myrfield	4	Hardwick	21
Chelmsford	15	No. 7	2	Holden	10
Sherburne	11	West-Hampton	4	Western	13
Sudbury and East-			525	Douglass	13
Sudbury	28			Grafton	8
Malden	13	<i>County of Plymouth.</i>		Petersham	17
Weston	13	Plymouth	23	Royalston	9
Medford	13	Scituate	38	Westminster	14
Littleton	11	Duxborough	18	Athol	12
Stow	11	Marshfield	18	Templeton	13
Groton	22	Bridgewater	68	Princeton	9
Shirley	9	Middleborough	55	Ashburnham	7
Pepperrell	13	Rochester	32	Winchendon	8
Townsend	11	Plympton	22	Northbridge	6
Waltham	12	Pembroke	26	Fitchburgh	10
Ashby	6	Kingston	13	Ward	5
Westford	14	Hanover	15		
Stoneham	5	Abington	20		636



<i>County of York.</i>		<i>County of Berkshire — Con.</i>		<i>County of Berkshire — Con.</i>	
York . . . . .	7	New-Marlbrough . .	15	Ashawelet Equivalent	4
Kittery . . . . .	8	Sheffield and Tauc-		No. 7 . . . . .	3
Wells . . . . .	7	nick-Mountains . .	23	West-Stockbridge .	7
Berwick . . . . .	8	Lanesborough . . .	23		266
Arundel . . . . .	4	Richmond . . . . .	15		
Biddeford . . . . .	3	Hancock . . . . .	12		
Massabeseck . . . .	1	Williamston . . . .	14		
Pepperrellborough .	3	Great-Barrington .	12	Suffolk . . . . .	488
Lebanon . . . . .	1	New-Ashford . . . .	3	Essex . . . . .	565
Fryeburgh . . . . .	2	Egremont . . . . .	8	Middlesex . . . . .	516
Sandford . . . . .	2	Alford . . . . .	4	Hampshire . . . . .	525
Brownfield . . . . .	1	Tyringham . . . . .	12	Plymouth . . . . .	366
Buxton . . . . .	2	Windsor . . . . .	9	Bristol . . . . .	334
Littlefalls . . . . .	1	Loudon . . . . .	3	Barnstable . . . . .	187
Coxhall . . . . .	1	Lenox . . . . .	13	Worcester . . . . .	636
		Becket . . . . .	6	York . . . . .	51
	51	Pittsfield . . . . .	15	Berkshire . . . . .	266
		Partridgefield . . .	6		
<i>County of Berkshire.</i>		Washington . . . . .	5		3,934
Stockbridge . . . . .	13	Adams . . . . .	18		
Sandisfield . . . . .	14	Lee . . . . .	9		

And it is further

*Resolved*, That the wages of each soldier, for the service aforesaid, shall be forty Shillings per month in gold or silver, or Continental bills equivalent thereto.

And as it may be necessary, in order to procure said men, that the towns advance something further, by way of bounty or hire, which, unless refunded by the State, may operate as an unequal tax upon the said towns: To remedy which, it is

*Resolved*, That the Selectmen of the several towns, and Committees of Plantations where the men are raised, shall make a true return of all such hire or bounties that may have been advanced by their respective towns, and other places, or by any inhabitant thereof, for the purpose of procuring the men as aforesaid, which return shall be under oath, and accompanied with receipts, or certificates, from the soldiers so hired, specifying the sum they have respectively received, into the Secretary's-office, by the 1st day of January, 1781; and the whole amount of all such sums as shall be returned with proper vouchers, as aforesaid, that shall appear to have been advanced for men who have been raised and marched, as in these Resolves is directed, from the several towns in the aforesaid counties, shall be granted, in addition to the then next State-tax, which shall be granted for defraying the expences of government, which whole amount aforesaid, shall be divided by the whole numbers of men raised in all the said counties, as aforesaid, and the quotient shall be the sum which each town shall be credited in the said tax, for each man it shall appear was raised in it, and marched agreeable to the direction of these Resolves.

And in case any of the men are procured or hired by individuals of any town, such sum, so advanced by him, shall be refunded by the town he was procured for, in the same proportion.

In Council

Read and sent down

In the House of Representatives,

Read and Passed

In Council

Read and Concurred. [*Passed June 5.*<sup>1</sup>

<sup>1</sup> This date is same in Massachusetts Resolves, but June 3 according to Legislative Records of the Council.



## CHAPTER 12.

RESOLVE EMPOWERING TWO JUSTICES OF THE PEACE OF WORCESTER COUNTY, QUORUM UNUS, TO GRANT A LICENSE TO ELIAKIM ATHERTON OF BOLTON TO KEEP A TAVERN TEMPORARILY.

ON THE PETITION of Eliakim Atherton, of Bolton, in the county of Worcester, praying that he may be licenced as an innholder, to keep a house of public entertainment:

*Resolved*, That the prayer of the petition be granted, and that any two Justices of the Peace, Quorum Unus, be, and they hereby are authorized and empowered, to grant a licence to the petitioner to keep a public tavern, until the next sitting of the Court of General Sessions of the Peace, for granting licences in said county of Worcester; and the said Justices are hereby required to recognize said petitioner to observe such rules and orders as the law, in such cases, require to be done and performed. [*Passed June 5.*]

Legislative  
Records of the  
Council,  
xl., 468.  
Mass.  
Archives,  
ccxxviii., 105.  
Mass.  
Resolves,  
May Session,  
chap. 15.  
Mass.  
Archives,  
ccxxviii., 106,  
107.

## CHAPTER 13.

RESOLVE APPOINTING THOMAS DAWES, ESQ., A COMMITTEE TO REPAIR THE ELECTRICAL WIRES AT THE POWDER MAGAZINE AT WEST BOSTON.

*Resolved*, That Thomas Dawes, Esq., be a Committee to repair the electrical wires at the powder-magazine at West-Boston, and lay the accounts before the Committee on Accounts, for examination and allowance. [*Passed June 5.*]

Legislative  
Records of the  
Council,  
xl., 468.  
Mass.  
Archives,  
ccxxviii., 104.  
Mass.  
Resolves,  
May Session,  
chap. 13.

## CHAPTER 14.

RESOLVE GRANTING £1,500 TO EBENEZER WALES, ESQ., FOR THE USE OF CAPT. EZRA LUNT, COMMISSARY OF THIS STATE IN THE CONTINENTAL ARMY.

*Resolved*, That there be paid out of the treasury of this State, to Ebenezer Wales, Esq., for the use of Capt. Ezra Lunt, Commissary of this State, in the Continental army, One Thousand five Hundred Pounds, to enable the said Lunt to execute the business to which he is appointed, he to be accountable for the expenditure of the same. [*Passed June 5.*]

Legislative  
Records of the  
Council,  
xl., 469.  
Mass.  
Archives,  
ccxxviii., 108.  
Mass.  
Resolves,  
May Session,  
chap. 17.  
Mass.  
Archives,  
ccxxviii., 109.

## CHAPTER 15.

RESOLVE DIRECTING LIEUT. WILLIAM ALBEE TO RE-ENLIST THIRTY-THREE MEN, OFFICERS INCLUDED, TO COMPLETE HIS ARTILLERY COMPANY AT MACHIAS UPON THE SAME ESTABLISHMENT AS HERETOFORE AND A BOUNTY OF \$150.

ON THE PETITION of Col. Alexander Campbell, Agent for Col. [John]<sup>1</sup> Allan, Commanding Officer at Machias, shewing, that the time of service for which the artillery company there, under the command of Lieut. John [William Albee]<sup>2</sup> Allbe, consisting of thirty-three men, engaged, expired the 1st day of June instant, and praying that the said Lieut. Allbe may be ordered to fill up the said company on such establishment as this Court shall order:

Legislative  
Records of the  
Council,  
xl., 470.  
Mass.  
Archives,  
ccxxviii., 101.  
Mass.  
Resolves,  
May Session,  
chap. 12.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, i., 130.

<sup>2</sup> *Ibid.*, 102.



Mass.  
Archives,  
ccxxviii., 102.

*Resolved*, That the said Lieut. John [William Albee]<sup>1</sup> Allbe be, and he hereby is directed, as soon as possible, to re-inlist thirty-three men, officers included, to compleat his said artillery company at Machias, to serve until the 1st day of June next, unless sooner discharged, and to be upon the Continental establishment as they have heretofore been, together with a bounty of One Hundred and fifty Dollars to each non-commissioned officer and private, to be charged to the United States. [*Passed June 5.*]

## CHAPTER 16.

RESOLVE EMPOWERING AND REQUESTING THE COUNCIL TO REIMBURSE THE DELEGATES OF THIS STATE IN CONGRESS FOR MONEY ADVANCED DISTRESSED SEAMEN BELONGING TO THIS STATE, MAKING PROVISION FOR THE SAME WHO SHALL ARRIVE AT PHILADELPHIA IN THE FUTURE, AND PROVIDING FOR THE REPAYMENT OF SAID ADVANCES BY MONEY OR SERVICE IN THE NAVY OF THIS STATE.

Legislative  
Records of the  
Council, of  
Mass.  
Archives,  
ccxxviii., 114.  
Mass.  
Resolves,  
May Session,  
chap. 18.

THE COMMITTEE of both Houses appointed upon the Letters from the Honorable Delegates in Congress of the 11th February, 25th April and the 19th May, have attended that service and ask leave to report the following Resolve, which is submitted

MOSES GILL per Order

Whereas the honorable Delegates from this State in Congress did, on the 10th February, the 15th April, and 19th May, instant, advance and pay unto a number of seamen, inhabitants of this State, who had escaped from the enemy, in a needy and distressed condition, One Hundred and fifty Dollars each, as appears by their own receipt; and whereas the said Delegates have applied to this Court for directions thereon: Therefore

*Resolved*, That the Council be, and they hereby are impowered and requested, to issue their warrants on [Henry Gardner, Esq.,]<sup>2</sup> the Treasurer for the reimbursing the Delegates the money they have so advanced; and the Delegates in Congress for the time being are hereby impowered and directed to advance, from time to time, to such seamen belonging to this State as may escape from the enemy and arrive at Philadelphia in a suffering condition, such sums of money as may appear to them to be absolutely necessary to enable them to return to their several homes; and the said Delegates are hereby further directed to take duplicate obligations from the several persons to whom they advanced money, to this purpose, that unless they pay the money advanced to them at their return, they shall serve on board the navy of this State until their wages amount to the money advanced, at the usual rate of wages, and shall transmit one of the obligations to the Council aforesaid, who are also impowered to issue their warrants on the Treasurer for discharging the same; and the Council are requested to lodge said receipt in the hands of the Board of War, who are hereby directed to demand and receive from each person, upon his return home, the sum that shall appear by his receipt to be advanced him by our delegates in Congress.

In Council

Read and sent down

In the House of Representatives

Read and Concurred. [*Passed June 6.*]<sup>3</sup>

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, i., 102.

<sup>2</sup> *Ante*, p. 337, chap. 734.

<sup>3</sup> This date is same in Massachusetts Resolves, but June 3 according to Legislative Records of the Council.



## CHAPTER 17.

RESOLVE ENTITLING WILLIAM MURRAY, A NINE MONTHS' MAN IN THE CONTINENTAL ARMY, THE BOUNTY FOR SAME THOUGH HE CANNOT PRODUCE A CERTIFICATE.

ON THE PETITION of William Murray, a soldier in Col. [Joseph]<sup>1</sup> Vose's regiment, inlisted during the war, shewing that he was, the last year, detached to serve in the Continental Army for the space of nine months; that after he engaged in the Continental Army, he lost his pocket-book, certificate and furlough, for which reason he can't obtain the bounty due to him, without the aid of this Court:

*Resolved*, That the said William Murray be intitled to receive the same bounty as other soldiers who were detached to serve in the Continental Army the last year for the space of nine months, notwithstanding he can't produce any certificate for the same. [*Passed June 6.*<sup>2</sup>]

Legislative  
Records of the  
Council,  
xl., 469.  
Mass.  
Archives,  
ccxxviii., 111.  
Mass.  
Resolves,  
May Session,  
chap. 14.  
Mass.  
Archives,  
ccxxviii., 112,  
113.

## CHAPTER 18.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER FIFTEEN SMALL ARMS WITH BAYONETS AND THREE HUNDRED ROUNDS OF CARTRIDGES TO COL. CAMPBELL FOR DEFENCE OF A VESSEL CONVEYING PROVISIONS TO THE FORT AT MACHIAS.

ON THE PETITION of Col. Alexander Campbell, praying he may be supplied with a number of small-arms, bayonets and cartridges, for the defence of a vessel conveying provisions to the fort at Machias:

*Resolved*, That the Board of War be, and they hereby are directed, to deliver said Col. Alexander Campbell fifteen small-arms, with bayonets, and three Hundred rounds of cartridges, taking his receipt, to return the small-arms and bayonets, and what cartridges are not expended, to the Board of War, or to be accountable to them therefor. [*Passed June 6.*<sup>2</sup>]

Legislative  
Records of the  
Council,  
xl., 469.  
Mass.  
Archives,  
ccxxviii., 117.  
Mass.  
Resolves,  
May Session,  
chap. 16.  
Mass.  
Archives,  
ccxxviii., 118;  
ccclxxv., 94.

## CHAPTER 19.

RESOLVE REMITTING A FINE OF £4,800 LAID ON THE TOWN OF MARBLEHEAD.

ON THE PETITION of the town of Marblehead, praying that a fine of Four Thousand and eight Hundred Pounds might be remitted, for reasons set forth in said petition:

*Resolved*, That the prayer of the petition be granted, and that there be paid out of the public treasury of this State, the sum of Four Thousand and eight Hundred Pounds, to Jonathan Glover, Esq., for the use of the town of Marblehead. [*Passed June 6.*]

Legislative  
Records of the  
Council,  
xl., 471.  
Mass.  
Archives,  
ccxxviii., 116.  
Mass.  
Resolves,  
May Session,  
chap. 19.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xi., 244.

<sup>2</sup> This date is June 5 according to Legislative Records of the Council and Massachusetts Resolves.



## CHAPTER 20.

Legislative  
Records of the  
Council,  
xl., 471.  
Mass.  
Archives,  
ccxxviii., 138.  
Mass.  
Resolves,  
May Session,  
chap. 23.  
Mass.  
Archives,  
ccxxviii., 139.  
*Ante*, p. 525,  
chap. 15.

RESOLVE GRANTING £1,485 TO LIEUT. WILLIAM ALBEE TO PAY THE BOUNTIES OF THIRTY-THREE MEN RE-ENLISTED FOR THE ARTILLERY COMPANY AT MACHIAS.

ON THE PETITION of Lieut. [William Albee]<sup>1</sup> Allbe, praying that he may be furnished with money to pay the bounties of thirty-three men, which he is directed to raise by a Resolve of this Court, passed the 5th instant [for the artillery company at Machias:]<sup>1</sup>

*Resolved*, That there be paid out of the public treasury of this State, to Lieut. William [Albee]<sup>1</sup> Allbe, the sum of One Thousand four Hundred and eighty-five Pounds, to enable him to pay the bounties aforesaid, he to be accountable for the same. [*Passed June 7.*]

## CHAPTER 21.

Legislative  
Records of the  
Council,  
xl., 472.  
Mass.  
Archives,  
ccxxviii., 127.  
Mass.  
Resolves,  
May Session,  
chap. 20.  
Mass.  
Archives,  
ccxxviii., 128-  
130. *Ante*,  
p. 43, chap. 75.

RESOLVE REMITTING A FINE OF £600 LAID ON THE TOWN OF BELCHERTOWN FOR DEFICIENCY IN MEN IN 1779 AND GRANTING THEM £120 BOUNTY.

ON THE PETITION of the inhabitants of Belchertown, praying that they may be remitted a fine of Six Hundred Pounds, which was assessed on them agreeable to a Resolve of the General Court, of June 9, 1779, and that they be paid a bounty of Four Hundred Dollars, for reasons set forth in said petition:

*Resolved*, That the prayer of said petition be granted, and that there be paid out of the public treasury of this State, Seven Hundred and twenty Pounds, to the inhabitants of Belchertown, in full for said fine and bounty. [*Passed June 7.*]

## CHAPTER 22.

RESOLVE PERMITTING DAVID PEARL TO GO TO YARMOUTH, N. S., AND BRING HIS FAMILY AND EFFECTS TO THIS STATE.

Legislative  
Records of the  
Council,  
xl., 472.  
Mass.  
Archives,  
ccxxviii., 132.  
Mass.  
Resolves,  
May Session,  
chap. 21.  
Mass.  
Archives,  
ccxxviii., 133.

ON THE PETITION of David Pearl, praying that he may have liberty to go to Yarmouth, in Nova-Scotia, and carry certain effects with him, and return with his family into this State:

*Resolved*, That the prayer of the petition be so far granted, that the said David Pearl have liberty to go to Yarmouth, abovesaid, and to carry with him provision necessary for his passage there, and bring off his family and effects to this State; and all armed vessels of this State are required, and the armed vessels of the United States of America are requested, not to molest said David Pearl in going to and returning from Yarmouth aforesaid, with his family and effects. [*Passed June 7.*]

<sup>1</sup> *Ante*, p. 525, chap. 15.



## CHAPTER 23.

RESOLVE PERMITTING EDWARD WRIGHT TO TRANSPORT FOUR BARRELS OF RUM AND ONE TIERCE OF SALT TO NEW HAMPSHIRE.

Legislative  
Records of the  
Council,  
xl., 472.  
Mass.

ON THE PETITION of Edward Wright, praying for leave to transport out of this State, into the State of New-Hampshire, four barrels of rum and one tierce of salt, for reasons set forth in said petition:

Archives,  
ccxxviii., 136.  
Mass.  
Resolves,  
May Session,  
chap. 24.

*Resolved*, That the prayer of the petition be granted, and that the said Edward Wright be, and he hereby is permitted, to transport out of this State, into the State of New-Hampshire, four barrels of rum and one tierce of salt, any act or resolve of this State to the contrary notwithstanding. [*Passed June 7.*]

Mass.  
Archives,  
ccxxviii., 137.  
Province  
Laws, v., 1114,  
chap. 13.

## CHAPTER 24.

RESOLVE DIRECTING THE TREASURER TO ISSUE HIS WARRANT TO THE ASSESSORS OF MILFORD REQUIRING THEM TO ASSESS UPON THE INHABITANTS THE SUM OF £12,829 IT BEING THEIR PROPORTION OF THE TAX SET UPON MENDON IN THE LAST TAX BILL AND DEDUCTING SAME FROM THE SUM SET UPON MENDON.

WHEREAS the town of Milford, in the county of Worcester, was set off from the town of Mendon by the late General Court, and incorporated into a separate town; and whereas the whole of the tax by the last tax-bill that should have been set upon both said towns, is set upon the town of Mendon: Therefore it is

Legislative  
Records of the  
Council,  
xl., 473.  
Mass.  
Archives,  
ccxxviii., 125.  
Mass.  
Resolves,  
May Session,  
chap. 22.

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be, and hereby is directed, to issue his warrant to the Assessors of the town of Milford aforesaid, directing and requiring them to assess, upon the polls and estates of the inhabitants of said Milford, the sum of Twelve Thousand eight Hundred and twenty-nine Pounds, it being their proportion of the said tax set upon Mendon aforesaid; and the same shall be deducted from the sum set upon said town at Mendon. [*Passed June 7.*]

Mass.  
Archives,  
ccxxviii., 126.  
Province  
Laws, v., 1172,  
chap. 35.

## CHAPTER 25.

RESOLVES NULLIFYING THE TOWN MEETING HELD AT FREETOWN MARCH LAST, SUSPENDING THE EXERCISE OF POWERS BY THE OFFICERS THEN CHOSEN, CONFIRMING ONLY PURPOSES OF MARRIAGE AND CERTIFICATES OF SAME BY THE TOWN CLERK AND THE DOINGS OF THE SELECTMEN RESPECTING THE POOR, BECAUSE SOME PERSONS WHO PAID NO RATES AND SOME IN THEIR NONAGE WERE ALLOWED TO VOTE, AND EMPOWERING THOMAS DURFEE, ESQ., TO CALL AND PRESIDE AT ANOTHER TOWN MEETING TO CHOOSE OFFICERS, ETC., WITH THE SAME POWERS AND AUTHORITIES AS IF ELECTED AT THE MARCH MEETING.

THE COMMITTEE of both Houses on the Petition from the former Selectmen and Committee of Correspondence of the Town of Freetown beg leave to report by way of Resolve.

ELEAZER BROOKS per Order

Whereas it appears to this Court, that the annual meeting for the choice of town-officers in the town of Freetown, on the 20th of

Legislative  
Records of the  
Council,  
xl., 475.  
Mass.  
Archives,  
ccxxviii., 159.  
Mass.  
Resolves,  
May Session,  
chap. 27.

<sup>1</sup> *Ante*, p. 337, chap. 734.



March last, was conducted in an illegal manner, some persons who paid no rates, and some in their nonage, being allowed to vote; and whereas the Selectmen and Committee of Correspondence, chosen in said town for the year 1779, have petitioned this Court to appoint a Moderator, and allow them the privilege of another meeting for the choice of town-officers for the present year: Therefore

*Resolved*, That the proceedings of the meeting aforesaid shall be considered as illegal and void, except for the purposes hereafter mentioned; that all officers chosen at said meeting shall forthwith cease to exercise any powers or authorities by virtue of said choice; only any purposes of marriage, and certificates of the same by the Town-Clerk then chosen, and the doings of the Selectmen respecting the poor of said town, be, and they are hereby confirmed. And it is further

*Resolved*, That Hon. Thomas Durfee, Esq., be, and he is hereby authorized and empowered, forthwith to issue his warrant to either of the persons who served as Constable for the said town of Free-town in the year 1779, directing them to notify and warn the freeholders and other inhabitants of said town, by law qualified to vote in town affairs, to meet at such place as he shall appoint in said town, at the time mentioned in said warrant, for the purpose of choosing a Town-Clerk, Selectmen, and such other town officers as are by law directed to be chosen in the month of March annually; which officers so chosen, shall have the same powers and authorities as if they had been regularly chosen in the month of March last; and the said Thomas Durfee, Esq., shall preside as Moderator of said meeting until such officers are chosen as aforesaid.

In Council

Read and Accepted.

In the House of Representatives

Read and Concurred. [*Passed June 9.*]

## CHAPTER 26.

RESOLVE GRANTING £600 TO EACH OF THE SUPERINTENDENTS AND £900 TO THE COMMISSIONER APPOINTED TO RAISE 3,934 MEN FOR THE CONTINENTAL ARMY.

*Resolved*, That there be paid out of the treasury of this State, to each of the Superintendants appointed by a Resolve passed the present session, for raising Three Thousand nine Hundred and thirty-four men for reinforcing the Continental Army, a sum not exceeding Six Hundred Pounds; and to the Commissioner appointed by said Resolve to receive said men, the sum of Nine Hundred Pounds, to enable them to perform the business assigned them by said Resolve, they severally to be accountable for the sums they shall respectively receive. [*Passed June 9.*]

Legislative  
Records of the  
Council,  
xl., 476.  
Mass.  
Archives,  
ccxxviii., 161.  
Mass.  
Resolves,  
May Session,  
chap. 25.

*Ante*, p. 522,  
chap. 11.



## CHAPTER 27.

RESOLVE PERMITTING STEPHEN ATWOOD TO GO TO LIVERPOOL, N. S., IN A SMALL VESSEL, NOT EXCEEDING THIRTY TONS, WITH PROVISIONS FOR THREE HANDS AND TO RETURN WITH HIS EFFECTS.

ON THE PETITION of Stephen Atwood [of Provincetown]<sup>1</sup> praying for leave to go to Liverpool in Nova-Scotia and return with his effects:

*Resolved*, That the said Stephen Atwood be, and he hereby is permitted to go to Liverpool, in Nova-Scotia, in a small vessel, not exceeding thirty tons, with provisions for three hands for said voyage, and no more, and to return again in said vessel to this State, with his effects which he now hath in Nova-Scotia.

*Provided*, That the said Stephen Atwood give sufficient bonds to the naval-officer of the port from whence he shall go in this State, that he shall not carry any thing to Liverpool aforesaid, more than is permitted in this Resolve, and that he return again to this State with his effects within four months.

And all commanders and other officers of the armed vessels belonging to this State are directed, and of the United States are requested, not to stop, molest or hinder, the said Stephen Atwood, in going to, or returning from, Liverpool aforesaid, with his effects. [Passed June 9.

Legislative  
Records of the  
Council,  
xl., 477.  
Mass.  
Archives,  
ccxxviii., 162.  
Mass.  
Resolves,  
May Session,  
chap. 28.

Mass.  
Archives,  
ccxxviii., 163.

## CHAPTER 28.

RESOLVE ABATING TEN MEN TO FOXBOROUGH AND ONE TO DUNSTABLE OUT OF THOSE APPORTIONED THEM TO BE RAISED FOR THE CONTINENTAL ARMY.

WHEREAS it appears to this Court, that in the resolve of June 5th, 1780, for raising Three Thousand nine Hundred and thirty-four men, on the several towns and plantations in this State, the town of Foxborough was apportioned seventeen men to be raised by said town, and that the town of Dunstable was apportioned eleven men, whereas seven men was the just proportion of the town of Foxborough, and ten men the proportion of Dunstable: Therefore

*Resolved*, That there be abated to the town of Foxborough ten men, and to the town of Dunstable one man, any thing in the resolve aforesaid to the contrary notwithstanding. [Passed June 9.

Legislative  
Records of the  
Council,  
xl., 477.  
Mass.  
Archives,  
ccxxviii., 166.  
Mass.  
Resolves,  
May Session,  
chap. 26.

*Ante*, p. 523,  
chap. 11.

## CHAPTER 29.

RESOLVE ALLOWING JOHN CUSHING, ESQ., OF BOXFORD TO SELL CATTLE, SHEEP, HORSES, HOUSEHOLD FURNITURE, FARMING UTENSILS, ETC., AT PUBLIC AUCTION, AS HE IS TO REMOVE TO A DISTANT PART OF THE STATE.

THE COMMITTEE appointed on the Petition of John Cushing, Esq., [of Boxford, who is to remove to a distant part of the State]<sup>2</sup> praying that he may be permitted to sell cattle, sheep, horses, household furniture, farming utensils, &c., at public auction, have attended that service and ask leave to report the following Resolve:

Legislative  
Records of the  
Council,  
xl., 478.  
Mass.  
Archives,  
ccxxviii., 171.

<sup>1</sup> Massachusetts Archives, ccxxviii., 163.

<sup>2</sup> *Ibid.*, 172.



Mass.  
Resolves,  
May Session,  
chap. 29.

Mass.  
Archives,  
ccxxviii., 172.

*Resolved*, That John Cushing, Esq., have leave to sell the several articles mentioned in his petition, by public auction, any law of this State to the contrary notwithstanding.

In the House of Representatives

Read and Accepted

In Council

Read and Concurred. [*Passed June 10.*<sup>1</sup>

## CHAPTER 30.

### RESOLVE ALLOWING THE ACCOUNTS OF THE TREASURER OF YORK COUNTY.

Legislative  
Records of the  
Council,  
xl., 478.  
Mass.  
Archives,  
ccxxviii., 170.  
Mass.  
Resolves,  
May Session,  
chap. 30.

WHEREAS it appears, upon examination of Treasurer's accounts for the county of York, that all monies granted and allowed by the Court of General Sessions of the Peace for said county, from April 1779 to April 1780, was for such purposes and appropriations as the law impowered said Court to grant; and the Treasurer for said county to be further accountable for the sum of Two Hundred and sixty-six Pounds nine Shillings and one Penny: Therefore

*Resolved*, That the said accounts be allowed. [*Passed June 10.*

## CHAPTER 31.

Legislative  
Records of the  
Council,  
xl., 479.  
Mass.  
Archives,  
ccxxviii., 173.  
Mass.  
Resolves,  
May Session,  
chap. 31.

RESOLVE REQUESTING THE COUNCIL TO PERMIT THOMAS NOTTAGE TO RETURN TO BERMUDA UNDER THE SAME RESTRICTIONS AS IF BOUND FOR NEW YORK OR HALIFAX.

ON THE PETITION of Thomas Nottage, praying for permission to return to Burmuda:

*Resolved*, That the honorable Council of this State be requested to suffer the said Thomas Nottage to pass to Burmuda, under the same restrictions that is observed with the cartels bound to New-York or Halifax. [*Passed June 10.*

## CHAPTER 32.

RESOLVES DISCHARGING THE COUNCIL COMMITTEE TO RECEIVE, EXAMINE AND PAY ACCOUNTS OF VARIOUS SUMS RECEIVED BY THEM FROM NOV. 26, 1779, TO MARCH 8, 1780.

Legislative  
Records of the  
Council,  
xl., 479.  
Mass.  
Archives,  
ccxxviii., 175.  
Mass.  
Resolves,  
May Session,  
chap. 36.  
Mass.  
Archives,  
ccxxviii., 176.  
*Ante*, p. 9,  
chap. 6.

*Resolved*, That the Committee of Council, chosen to receive, examine, and pay accounts, agreeable to a Resolve of the General Court of the 28th May, 1779, viz. Jabez Fisher, Benjamin White, and Daniel Davis, Esquires, be, and they are hereby discharged of the sum of Eighty Thousand Pounds, which they have received of [Henry Gardner, Esq.,]<sup>2</sup> the Treasurer of this State, by warrants on the treasury, from November 26, 1779, to February 17, 1780, inclusive; also of the sum of Four Thousand eight Hundred seventy-two Pounds four Shillings one Penny half penny, being balances due from sundry persons to this State, making Eighty-four Thousand eight Hundred seventy-two Pounds four Shillings one

<sup>1</sup> This date is same in Legislative Records of the Council, but is June 9 in Massachusetts Resolves.

<sup>2</sup> *Ante*, p. 337, chap. 734.



Penny half penny, having produced good and sufficient vouchers for the expenditure of Eighty-one Thousand four Hundred eighty-seven Pounds fourteen Shillings one Farthing, from December 23, 1779, to March 8, 1780, including a ballance due to them on the last settlement, of One Thousand one Hundred fifty-two Pounds nineteen Shillings one Penny one Farthing; and have also paid into the treasury, Four Thousand six Hundred twenty-six Pounds thirteen Shillings one Penny one Farthing, both amounting to Eighty-six Thousand one Hundred fourteen Pounds seven Shillings one Penny half penny. And it is further

*Resolved*, That the said Committee be, and they are hereby credited, upon the above account, One Thousand one Hundred forty-two Pounds three Shillings, on settlement of their accounts; all which will appear by the report of the Committee for stating accounts. [*Passed June 10.*]

## CHAPTER 33.

RESOLVE EMPOWERING THE ADMINISTRATOR OF THE ESTATE OF CAPT. SOLOMON KIDDER, LATE OF BILLERICA, DECEASED, TO EXECUTE GOOD AND LAWFUL DEEDS OF TEN ACRES OF PINE LAND TO TIMOTHY DANFORTH AND ONE-EIGHTH PART OF A SAW MILL TO SOLOMON POLLARD.

ON THE PETITION of Timothy Danforth and Solomon Pollard, praying that John White, of Haverhill, may be impowered to give and execute a good and lawful deed or deeds to each of them who bid off, and purchased, at public auction, some part of the real estate of Capt. Solomon Kidder, late of Billerica, deceased, of Lydia Kidder, administratrix on said Kidder's estate (she being impowered by the Court of Common Pleas for the county of Middlesex to make sale of the same) but the administratrix was taken sick and died before she had given your petitioners any deeds, and the above-said John White administred on said estate, and undertook to finish her administration on her late husband's estate, but the said John White doth not look on himself duly impowered by law to give and execute any deeds of said lands: Therefore

*Resolved*, That the prayer of the petition be granted, and that the above-said John White be, and he is in his said capacity as administrator hereby impowered, to make out, give and execute a good and lawful deed or deeds of about ten acres of pine land, unto the above-said Timothy Danforth, also an 8th part of a saw-mill unto the above-said Solomon Pollard, it being part of the real estate of Capt. Solomon Kidder late of Billerica, deceased, which the above-said Timothy Danforth and Solomon Pollard bid off at public auction, as mentioned above, they paying the remainder of the purchase money unto the above-said John White, agreeable to such a depreciation act that shall be passed by the General Court of this State. [*Passed June 10.*]

Legislative  
Records of the  
Council,  
xl., 450.  
Mass.  
Archives,  
cccxviii., 177.  
Mass.  
Resolves,  
May Session,  
chap. 33.  
Mass.  
Archives,  
cccxviii., 178.



## CHAPTER 34.

RESOLVE REVERSING THE JUDGMENTS IN TWO ACTIONS AGAINST HANNAH THOMAS OF KINGSTON, WIDOW, EXECUTRIX OF JOHN THOMAS, ESQ., LATE OF KINGSTON, DECEASED, AT THE INFERIOR COURT HELD AT PLYMOUTH IN DECEMBER LAST AND GRANTING NEW TRIALS AT THE SAME TO BE HOLDEN AT PLYMOUTH ON THE 1<sup>ST</sup> TUESDAY OF JULY NEXT.

Legislative  
Records of the  
Council,  
xl., 481.  
Mass.  
Archives,  
ccxxviii., 179.  
Mass.  
Resolves,  
May Session,  
chap. 33.

Mass.  
Archives,  
ccxxviii., 180-  
182. *Ante*,  
p. 469, chap.  
1041.

ON THE PETITION of Hannah Thomas of Kingston, widow, executrix of John Thomas, late of Kingston, Esq., deceased, praying that the judgment obtained in one action on the case, for Two Hundred ninety-four Pounds twelve Shillings and six Pence, brought against her in her said capacity, at the Inferior Court held at Plymouth, in December last, and also that the judgment on another action, brought against Joseph Kent, of Marblehead, tenant to her testator for six young creatures, obtained by John Thomas, of Plymouth, at the same Court, may be set aside, and a new trial ordered thereon, for the reasons set forth in her petition:

*Resolved*, That the above-described judgments be, and they hereby are reversed and rendered null and void, and that a new trial be had on the above-described cases, at the next Inferior Court of Common Pleas to be holden at Plymouth, for the county of Plymouth, on the 1<sup>st</sup> Tuesday of July next, and that the Justices of the same Court are hereby impowered and directed to hear and determine the same as though the same causes were regularly depending in the said Court for judgment, and that no depreciation shall be allowed in considering the damages to be given on either of the said actions, any law respecting depreciation notwithstanding; the said Hannah to serve the said John Thomas with an attested copy of this Resolve, ten days before the setting of said Court at Plymouth. [*Passed June 10.*]

## CHAPTER 35.

RESOLVE APPOINTING THE SELECTMEN OF BOSTON A COMMITTEE TO MAKE (IN THE CHEAPEST AND MOST EXPEDITIOUS MANNER) SUCH REPAIRS AS ARE NECESSARY FOR THE SUITABLE ACCOMMODATION OF THE SICK AT THE STATE HOSPITAL ON RAINSFORD'S ISLAND AND EMPOWERING THEM TO TAKE THE BARRACKS AT LONG ISLAND FOR SUCH PURPOSE.

Legislative  
Records of the  
Council,  
xl., 482.  
Mass.  
Archives,  
ccxxviii., 201.  
Mass.  
Resolves,  
May Session,  
chap. 38.

Mass.  
Archives,  
ccxxviii., 202.

WHEREAS it has been represented by the Selectmen of the town of Boston, and made to appear to this Court, that the State hospital on Rainsford's Island has been much damaged by the enemy, and stands in need of immediate repair: Therefore

*Resolved*, That the Selectmen of the town of Boston be, and they are hereby appointed a Committee to make (in the cheapest and most expeditious manner that may be) such repairs at said hospital as they shall judge necessary for the suitable accommodation of the sick, and lay their accounts before the Committee on Accounts, for examination and payment; and they are also impowered to take from Long-Island one or more of the barracks for the purpose of such repairs. [*Passed June 12.*]



## CHAPTER 36.

RESOLVE GRANTING AN ADVANCE LOAN OF £4,500 TO GEN. HEATH, TO BE ACCOUNTED FOR IN THE SETTLEMENT OF HIS DEPRECIATION.

ON THE PETITION of Maj. Gen. [William]<sup>1</sup> Heath asking an advance loan of \$15,000 as he is to take a particular command which will be a very expensive one:

*Resolved*, That there be paid out of the public treasury of this State, Four Thousand five Hundred Pounds, to Maj. Gen. Heath, for the purposes set forth in his petition, he to be accountable to the General Court for said sum, upon the settlement to be made with him, on account of the depreciation, by the Committee appointed to settle with the army. [*Passed June 12.*]

Legislative  
Records of the  
Council,  
xl., 483.  
Mass.  
Archives,  
ccxxviii., 199.  
Mass.  
Resolves,  
May Session,  
chap. 37.  
Mass.  
Archives,  
ccxxviii., 200.

## CHAPTER 37.

RESOLVE PERMITTING MARY FOSTER OF SHELBURNE, WITH SEVEN OF HER CHILDREN, TO GO TO HER HUSBAND AT NEW YORK AND DIRECTING THE AGENT ON HIS ESTATE TO SELL THE PERSONAL ESTATE, RESERVED FOR HER USE, AND ALLOW HER SO MUCH AS WILL BE NECESSARY TO SUPPORT THEM ON THEIR JOURNEY.

ON THE PETITION of Mary Foster, of Shelburne, in the county of Hampshire, praying for leave to go to New-York, to her husband [Moses],<sup>2</sup> with seven of her children:

*Resolved*, That the prayer of the petition be granted, and she, with her said children, have leave to go to New-York, not to return without leave first obtained of this Court therefor: and that the Agent on her husband's estate be directed to sell the personal estate that was reserved for her use, and allow her so much as will be necessary to support them on their journey to said place. [*Passed June 12.*]

Legislative  
Records of the  
Council,  
xl., 483.  
Mass.  
Archives,  
ccxxviii., 196.  
Mass.  
Resolves,  
May Session,  
chap. 41.  
Mass.  
Archives,  
ccxxviii., 197.

## CHAPTER 38.

RESOLVES PERMITTING TIMOTHY FOLGER OF SHERBURN TO GO TO NEW YORK AND RETURN WITH HIS EFFECTS ANY TIME WITHIN TWO MONTHS ON GIVING BOND OF £10,000.

ON THE PETITIONS of Jonathan Burnell and others [of Sherburn],<sup>3</sup> praying for Timothy Folger to go to New-York, and bring back their effects which he shall obtain, as set forth in their petitions:

*Resolved*, That Timothy Folger be, and hereby is permitted to repair to New-York, and bring from thence his effects to this State, any time within two months from the time he shall leave this State; and all Captains or Commanders of the armed vessels in the service of this State, or any of the subjects thereof, are hereby directed, and the Captains or Commanders of any armed vessel in the service of the United States are requested, to permit the said Timothy Folger and his effects to pass unmolested. And it is further

Legislative  
Records of the  
Council,  
xl., 483.  
Mass.  
Archives,  
ccxxviii., 190.  
Mass.  
Resolves,  
May Session,  
chap. 43.  
Mass.  
Archives,  
ccxxviii., 191-  
194.

*Resolved*, That the said Timothy, before that he departs this

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vii., 684.

<sup>2</sup> Sabin, Loyalists of the American Revolution.

<sup>3</sup> Massachusetts Archives, ccxxviii., 191.



State, shall give bonds to [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer, with sufficient surety, in the sum of Ten Thousand Pounds, that he will return into this State with his effects within the time aforesaid, the danger of the seas and enemies excepted, and that he will not carry any effects out of this State, nor more provision than is necessary for his voyage there, or to New-York. [*Passed June 12.*]

## CHAPTER 39.

Legislative  
Records of the  
Council,  
xl., 484.  
Mass.  
Archives,  
ccxxviii., 189.  
Mass.  
Resolves,  
May Session,  
chap. 39.

RESOLVE APPOINTING STEPHEN BADLAM, ESQ., JOINT MUSTER MASTER WITH COL. BARBER FOR SUFFOLK COUNTY.

*Resolved*, That Stephen Badlam, Esq., be and he hereby is, appointed a joint Muster-Master with Col. Nathaniel Barber for the county of Suffolk, and is to be under the same direction and restriction as are the Muster-Masters for the State. [*Passed June 12.*]

## CHAPTER 40.

Legislative  
Records of the  
Council,  
xl., 484.  
Mass.  
Archives,  
ccxxviii., 198.  
Mass.  
Resolves,  
May Session,  
chap. 40.

RESOLVE ADDING JOHN DEMING, PETER BOYER AND STEPHEN GORHAM (APPOINTED TO ADJUST AND STATE ACCOUNTS) TO THE COMMITTEE FOR SETTLING WITH THE ARMY.

*Resolved*, That Messieurs John Deming, Peter Boyer, and Stephen Gorham (who have been appointed to adjust and state the accounts of this State) be, and they hereby are added to the Committee for settling with the army, and are hereby empowered to attend said business, if they judge necessary, for three weeks from the date hereof. [*Passed June 12.*]

## CHAPTER 41.

Legislative  
Records of the  
Council,  
xl., 485.  
Mass.  
Archives,  
ccxxviii., 244.  
Mass.  
Resolves,  
May Session,  
chap. 45.  
Mass.  
Archives,  
ccxxviii., 245.

RESOLVE PERMITTING MARTHA TAYLOR TO RETURN FROM NEW YORK IN ANY CARTEL TO THE UNITED STATES.

ON THE PETITION of Joseph Greene, in behalf of Martha Taylor, praying leave for her return from New-York into this State:

*Resolved*, That Martha Taylor have leave to return from New-York into this State, in any cartel to the United States, for reasons set forth in said petition, any law or resolve of this State notwithstanding. [*Passed June 13.*]

## CHAPTER 42.

Legislative  
Records of the  
Council,  
xl., 485.  
Mass.  
Archives,  
ccxxviii., 243.  
Mass.  
Resolves,  
May Session,  
chap. 42.

RESOLVE GRANTING £1,050 TO THE HON. SAMUEL ADAMS, ESQ., DELEGATE TO THE CONTINENTAL CONGRESS.

*Resolved*, That there be paid out of the public treasury of this State, to the Hon. Samuel Adams, Esq., one of the Delegates to represent this State at Congress, One Thousand and fifty Pounds, he to be accountable for the same. [*Passed June 13.*]

<sup>1</sup> Ante p. 337, chap. 734.



## CHAPTER 43.

RESOLVE SUBJECTING SOLDIERS DOING DUTY AS GUARDS TO DRAFT FOR THE CONTINENTAL ARMY OR GIVING THEM LIBERTY TO ENLIST AND RECEIVE A BOUNTY FOR THE TOWN TO WHICH THEY BELONG AND IN SUCH CASE THE TOWN TO IMMEDIATELY SUPPLY THEIR PLACES.

*Resolved*, That such soldiers as are now doing duty as guards in several places in this State, shall be liable to be drafted for reinforcing the Continental Army, or have the liberty of inlisting and receiving a bounty for the town to which they severally belong, they being detached for such guards notwithstanding; and if any such shall inlist or be detached for the town they belong to, in such case the towns shall immediately supply the place of the soldier or soldiers so inlisted or detached. [*Passed June 13.*]

Legislative  
Records of the  
Council,  
xl., 485.  
Mass.  
Archives,  
ccxxviii., 242.  
Mass.  
Resolves,  
May Session,  
chap. 46.

## CHAPTER 44.

RESOLVE DIRECTING THE CUSTODIANS OF THE SCHOONER FLYING FISH, LATELY TAKEN BY AMERICAN PRISONERS WHO WERE BEING BROUGHT IN HER FROM HALIFAX, N. S., TO DELIVER HER TO HER OWNER WILLIAM GREENWOOD AND STOPPING THE LIBEL AGAINST HER IN THE MARITIME COURT.

THE COMMITTEE of both Houses on the Petition of William Greenwood report by way of Resolve.

On the Petition of William Greenwood, setting forth, that six men came on board his schooner Flying-Fish, then lying at a wharf in Halifax harbour, and after being informed that they were American prisoners, he agreed to carry them where they could get a passage home, or bring them himself, and accordingly came to sail, and made the best of his way; that on their passage the said prisoners, in a very ungrateful manner, took his schooner from him, and after robbing him of his money, and stripping him of his cloaths, set him on shore, and carried away said schooner, with every thing on board, and afterward they arrived at Casco-Bay:

And whereas the said schooner is since libelled in the Maritime-Court in the Eastern-District in this State, and this Court, on the 3d day of May last, passed a Resolve empowering and directing the Committees of the counties of York, Cumberland or Lincoln, to take the said schooner into their possession until the further Order of the General Court, one of which Committees have since taken the said schooner into their custody, and by virtue of said Resolve still hold her in their possession, and the trial in the Maritime-Court is continued to a future day; and it appearing to this Court that the said William Greenwood, by his kind and friendly treatment of a number of American prisoners for several years past, hath proved himself a uniform friend to this and the United States, and the adverse party having been fully heard, and desiring the matter may be finally determined by this Court: Therefore

*Resolved*, That the persons who may have the same vessel in their custody, deliver her to the said William Greenwood, and that no further proceedings be had in the Maritime-Court on the libel aforesaid, the said Greenwood filing in said Court, on or before the day appointed for the aforesaid trial, a copy of this Resolve.

In Council

Read and Accepted.

In the House of Representatives

Read and Concurred. [*Passed June 13.*]

Legislative  
Records of the  
Council,  
xl., 486.  
Mass.  
Archives,  
ccxxviii., 222.  
Mass.  
Resolves,  
May Session,  
chap. 44.  
Mass.  
Archives,  
ccxxviii., 223-  
238. *Ante*,  
p. 447, chap.  
1062.



## CHAPTER 45.

RESOLVE DIRECTING THE SELECTMEN OR COMMITTEES OF THE TOWNS, WHO HAVE SUSTAINED LOSSES BY GIVING MORE FOR BLANKETS, SHOES, STOCKINGS AND SHIRTS THAN THEY WERE ALLOWED BY THE COMMITTEE ON ACCOUNTS, TO LAY THEIR ACCOUNTS BEFORE SAID TOWNS FOR ALLOWANCE AND PAYMENT, AND ON THEIR REFUSAL THE ASSESSORS ARE DIRECTED TO PROCEED AGREEABLE TO THE RULES OF THE THEN LAST TAX ACT AND PAY THE SAME WHEN COLLECTED TO SAID SELECTMEN OR COMMITTEES.

Legislative  
Records of the  
Council,  
xl., 487.  
Mass.  
Archives,  
ccxxviii., 239.  
Mass.  
Resolves,  
May Session,  
chap. 47.

*Ante*, p. 72,  
chap. 138;  
p. 133,  
chap. 265.

*Resolved*, That the Selectmen or Committees of the several towns in this State, that have sustained losses on account of their giving more for the blankets, shoes, stockings and shirts, which they purchased in consequence of a Resolve of the General Court, passed June the 21st, and September 14th, 1779, than they were allowed pay for by the Committee on Accounts, are hereby directed to lay their accounts before the towns to which they respectively belong, for allowance and payment; and if the towns do not allow and pay the same, the Assessors of the town or towns so refusing, on application made to them by the Selectmen or Committees, are required and impowered to assess the polls and estates of such town or towns so refusing, agreeable to the rules prescribed by the then last tax-act for assessing public taxes, to the amount of the losses so sustained; which money, when assessed and collected, shall be paid out of the treasury of the respective towns to the Selectmen or Committee for the year 1779, for to reimburse them for the losses they have sustained, any resolve to the contrary notwithstanding. [*Passed June 13.*]

## CHAPTER 46.

RESOLVE DIRECTING THE TREASURER TO SUSPEND HIS EXECUTION AGAINST ZEBADIAH COBURN, ONE OF THE COLLECTORS OF LUDLOW IN 1779, AND SAID TOWN TO CHOOSE A NEW COLLECTOR TO COMPLETE HIS COLLECTION.

Legislative  
Records of the  
Council,  
xl., 487.  
Mass.  
Archives,  
ccxxviii., 240.  
Mass.  
Resolves,  
May Session,  
chap. 48.

Mass.  
Archives,  
ccxxviii., 241.

ON THE PETITION of the Selectmen of the town of Ludlow, and for reasons therein set forth:

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be, and he hereby is directed, to suspend the sending his execution against Zebadiah Coburn, one of the Collectors of the town of Ludlow, for the failure of that part of the public taxes which were committed to him to collect in the year 1779, until the further Order of the General Court, and that the said town of Ludlow be directed to proceed immediately to choose a new Collector to compleat the collection of the said taxes. [*Passed June 13.*]

<sup>1</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 47.

VOTE CHOOSING COL. WADE AS MUSTER MASTER IN ESSEX COUNTY.

In the House of Representatives

The House, by Ballot, made choice of Col. Nathaniel Wade, as Muster-Master in the County of Essex in the room of Mr. [John]<sup>1</sup> Cushing who is excused from that service.

In Council

Read and Concurred. [*Passed June 14.*]

Legislative  
Records of the  
Council,  
xl., 488.  
Mass.  
Archives,  
ccxxviii., 253.  
Mass.  
Resolves,  
May Session,  
chap. 51.

Province  
Laws, xx., 208,  
chap. 535.

## CHAPTER 48.

RESOLVE PERMITTING WILLIAM GREENWOOD TO RETURN TO NOVA SCOTIA WITH HIS SCHOONER FLYING FISH.

ON THE PETITION of William Greenwood, praying that he may be permitted to return to Nova-Scotia, with his schooner, called the Flying-Fish:

*Resolved*, That the prayer of the petition be granted, and that the aforesaid William Greenwood be, and hereby is permitted to return to Nova-Scotia, with his said vessel Flying-Fish; and all commanders of armed vessels belonging to this State are ordered, and those belonging to any of the United States are recommended, not to molest or impede the said Greenwood on his return to Nova-Scotia. [*Passed June 14.*]

Legislative  
Records of the  
Council,  
xl., 488.  
Mass.  
Archives,  
ccxxviii., 254.  
Mass.  
Resolves,  
May Session,  
chap. 50.

*Ante*, p. 537,  
chap. 44.

## CHAPTER 49.

RESOLVE EMPOWERING THE TREASURER TO EMPLOY ONE OR MORE ADDITIONAL PERSONS IN STRIKING OFF THE NOTES TO BE GIVEN FOR BALANCES TO THIS STATE'S QUOTA OF THE CONTINENTAL ARMY OR TAKE OTHER MEASURES TO PREVENT DELAY HERE-AFTER.

WHEREAS some delays have taken place in the settlement with this State's quota of the Continental Army, by reason of the notes to be given for their respective ballances not being ready when wanted: Therefore

*Resolved*, That [Henry Gardner, Esq.,]<sup>2</sup> the Treasurer of this State be, and he hereby is impowered and directed, to employ one or more persons, in addition to those already employed, in striking off said notes, or take such other measures as will effectually prevent any delay hereafter. [*Passed June 14.*]

Legislative  
Records of the  
Council,  
xl., 489.  
Mass.  
Archives,  
ccxxviii., 256.  
Mass.  
Resolves,  
May Session,  
chap. 56.

<sup>1</sup> Province Laws, xx., 208, chap. 535.

<sup>2</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 50.

RESOLVE GRANTING £18 PER MONTH, IN ADDITION TO HIS CONTINENTAL PAY AND RATIONS, TO WILLIAM SIMONDS, QUARTER-MASTER OF COL. PEIRCE'S REGIMENT, FOR SERVICE AT TIVERTON, R. I., IN 1779.

Legislative  
Records of the  
Council,  
xl., 489.  
Mass.  
Archives,  
ccxxviii., 247.  
Mass.  
Resolves,  
May Session,  
chap. 52.

ON THE PETITION of William Simonds:

*Resolved*, That there be allowed and paid out of the public treasury of this State, to William Simonds, Quarter-Master of a regiment of militia commanded by Lieut. Col. [Samuel]<sup>1</sup> Peirce, who was detached to do duty at Tiverton, in the State of Rhode-Island, in 1779, eighteen Pounds for each calendar month he was in said service, in addition to his Continental pay and rations, as said Simonds was omitted in the making up the muster-roll for said service, as appears by said rolls. [*Passed June 14.*]

Mass.  
Archives,  
ccxxviii., 248,  
249.

## CHAPTER 51.

RESOLVE DIRECTING JOSEPH BAKER, ESQ., ONE OF THE PURCHASING COMMISSARIES TO ATTEND THIS COURT WITHOUT DELAY.

Legislative  
Records of the  
Council,  
xl., 490.  
Mass.  
Archives,  
ccxxviii., 250.  
Mass.  
Resolves,  
May Session,  
chap. 55.

*Resolved*, That Joseph Baker, Esq., one of the purchasing Commissaries of this State, be, and he is hereby directed, to attend this Court without delay, and that he be served with a copy of this Order by express. [*Passed June 14.*]

## CHAPTER 52.

RESOLVE ABATING ONE-THIRD OF THE TAXES LAID ON THE TOWN OF WASHINGTON IN THE LAST GENERAL VALUATION AND APPORTIONMENT OF TAXES, AND DIRECTING THE TREASURER TO CREDIT SAID TOWN WITH ONE-THIRD OF ALL THE TAXES SET UPON IT SINCE.

Legislative  
Records of the  
Council,  
xl., 490.  
Mass.  
Archives,  
ccxxviii., 251.  
Mass.  
Resolves,  
May Session,  
chap. 53.

WHEREAS it has been represented, and made to appear to this Court, that the town of Washington was doomed by the Committee on the valuation, in a much larger sum than would have been set upon them if the Committee had been furnished with a list of their polls and estates, in consequence of which the said town has been taxed much more than their equal proportion ever since the last apportionment of taxes upon the several towns in this State: Therefore

*Resolved*, That one third part of all the taxes set upon the town of Washington since the last general valuation and apportionment of taxes was made, be, and they hereby are abated; and [Henry Gardner, Esq.,]<sup>2</sup> the Treasurer of this State is hereby directed to credit the said town a sum equal to the amount of one third part of all the taxes set upon the said town within the time aforesaid. [*Passed June 14.*]

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xiv., 245.

<sup>2</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 53.

RESOLVE EXCUSING THE MEN DRAFTED FOR THE CONTINENTAL ARMY UNDER A RESOLVE OF THE 5TH INSTANT FROM SUPPLYING THEMSELVES WITH FIREARMS AND ACCOUTREMENTS AND DIRECTING THIS RESOLVE TO BE PUBLISHED IN THE BOSTON AND WORCESTER NEWSPAPERS.

Legislative  
Records of the  
Council,  
xl., 490.  
Mass.  
Archives,  
ccxxviii., 252.  
Mass.  
Resolves,  
May Session,  
chap. 49.  
*Ante*, p. 519,  
chap. 11.

*Resolved*, That the men which shall be inlisted or drafted agreeable to a Resolve of the 5th instant, for reinforcing the Continental Army, be excused from supplying themselves with fire-arms and accoutrements, any thing in said Resolve to the contrary notwithstanding. This Resolve to be printed in the Boston and Worcester news-papers. [*Passed June 14.*]

## CHAPTER 54.

RESOLVE POSTPONING THE SALE OF THE REAL ESTATE OF REV. JOSHUA GEE OF BOSTON, DECEASED, AND DIRECTING WILLIAM SYMMS AND OTHERS TO NOTIFY SARAH GEE, HIS WIDOW, OF A HEARING AS TO SAME ON THE 2D WEDNESDAY OF THE NEXT SESSION.

ON THE PETITION of William Symms and others, setting forth, that by a Resolve of the General Court, of the 14th day of June, 1779, wherein Sarah Gee was impowered to sell the real estate whereof her late husband, [Rev.]<sup>1</sup> Mr. Joshua Gee, of Boston, died, seized and possessed, which Resolve passed without the petitioners knowledge, and said Resolve is likely to prove very detrimental and injurious to many of the heirs to said estate, as set forth in said petition:

Mass.  
Archives,  
clxxxvi., 224.  
Mass.  
Resolves,  
May Session,  
chap. 54.

*Resolved*, That the further sale of any part of the real estate of said Joshua Gee, deceased, be postponed and put off until the further Order of the General Court; and the petitioners serve the said Sarah Gee with an attested copy of their petition, and this order thereon, fourteen days before the 2d Wednesday of the next sitting of this Court, that she, on said 2d Wednesday, may shew cause (if any she hath) why the prayer of their petition should not be granted. [*Passed June 14.*]

Mass.  
Archives,  
clxxxvi., 219-  
223. *Ante*,  
p. 61, chap.  
113.

## CHAPTER 55.

RESOLVES ALLOWING ALL PERSONS THAT ENLISTED IN THE CONTINENTAL SERVICE SINCE JAN. 1, 1777, AND HAVE LEFT WITHOUT A REGULAR DISCHARGE THAT CAN GIVE SUFFICIENT EVIDENCE THAT THEY THOUGHT THEIR ENGAGEMENT EXPIRED JAN. 1, 1780, TO RETURN TO CAMP BEFORE JULY 6, NEXT, AND ON COMPLETING THEIR FULL THREE YEARS TO BE ENTITLED TO ALL THE IMMUNITIES AND PRIVILEGES PROMISED IN AN ACT OF THIS STATE TO SUCH PERSONS AS HAVE DESERTED AND SHALL RETURN VOLUNTARILY TO CAMP, AND DIRECTING A COPY OF THIS RESOLUTION TO BE SENT TO THE COMMANDER IN CHIEF WHO IS DESIRED TO GRANT A FULL PARDON TO ALL WHO SHALL COMPLY WITH THE SAME.

UPON THE PETITION of the inhabitants of the town of Northampton, setting forth, That twelve persons, inhabitants of said town, inlisted into the Continental Army in the month of April, 1777, and were assured by the Continental officers, that the three years

Legislative  
Records of the  
Council,  
xl., 473.  
Mass.  
Archives,  
ccxxviii., 207.

<sup>1</sup> *Ante*, p. 61, chap. 113.



Mass.  
Resolves,  
May Session,  
chap. 65.

Mass.  
Archives,  
ccxxviii., 209-  
220. Province  
Laws, v., 1198,  
chap. 48.

service in which they engaged, would expire, with respect to themselves, on the 1st of January, 1780; upon which assurance, made inconsiderately and without sufficient authority, the men aforesaid pretended to claim it as their right to leave the camp on the aforesaid 1st day of January, and did accordingly leave it, contrary to the express orders of their officers, whereby they are now become liable to the penalties of an Act made to prevent desertion; and whereas by said Act all that may be called deserters are indiscriminately subjected to the same penalties, without any difference as to the degrees of criminality: Therefore

*Resolved*, That all persons that inlisted into the Continental service after the 1st day of January, 1777, and have left the service without a regular discharge, and can give any sufficient evidence that they supposed their engagements expired on the 1st day of January, 1780, may be permitted to return to camp any time before the 6th day of July next; and said persons so returning, shall be held to do duty after their arrival in camp, so long as to compleat and make up the full term of three years from the date of their several inlistments; and all such persons as are above-described, who shall comply with the lenient terms of this Resolve, shall be intitled to all the privileges and immunities promised in an Act of this State to such persons as have deserted and shall return voluntarily to camp, and serve for the term of nine months, besides compleating the deficiency of time in three years service, any law of this State to the contrary notwithstanding.

*Resolved*, That a copy of the foregoing resolution be transmitted to [Gen. Washington]<sup>1</sup> the Commander in Chief of the army of the United States, and he is hereby desired to grant a full pardon to all such soldiers as shall strictly comply with this resolve. [*Passed June 15.*]<sup>2</sup>

## CHAPTER 56.

RESOLVES GRANTING AN ADDITIONAL \$100 TO EACH RECRUITING OFFICER FOR EVERY MAN HE SHALL HAVE ENLISTED, IN LIEU OF RATIONS FOR HIS HORSE, AND DESIRING GEN. HEATH TO ORDER THEIR RETURN TO THE ARMY AS SOON AS HE SHALL THINK PROPER.

Legislative  
Records of the  
Council,  
xl., 474.  
Mass.  
Archives,  
ccxxviii., 131.  
Mass.  
Resolves,  
May Session,  
chap. 62.

ON THE PETITION of the officers employed in the recruiting service, praying to be allowed rations for their horses:

*Resolved*, That an additional allowance of One Hundred Dollars be made to each officer, for every man he shall have inlisted, agreeable to the Resolutions of this Court, in lieu of rations for his horse.

And whereas by the late Resolution of this Court for drafting men to supply the quota of men assigned this State for the Continental Army, the service of the said recruiting officers in this State is no longer necessary, and may be wanted in camp: Therefore

*Resolved*, That Gen. [William]<sup>3</sup> Heath be desired to order their return to the Army as soon as he shall think proper. [*Passed June 15.*]<sup>2</sup>

<sup>1</sup> Heitman, Historical Register of Officers of the Continental Army, 1914.

<sup>2</sup> This date is same in Massachusetts Resolves, but June 7 according to Legislative Records of the Council.

<sup>3</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vii., 684.



## CHAPTER 57.

RESOLVES REQUESTING THE PEOPLE TO PAY THEIR PROPORTION OF THE TAX DUE ON JULY 15<sup>TH</sup> NEXT AND TO ADVANCE THE SAME DUE SEPTEMBER 15<sup>TH</sup> NEXT TO COMMISSIONERS DULY APPOINTED TO RECEIVE IT WHOSE RECEIPTS IN FORM INDICATED SHALL BE ACCEPTED BY THE CONSTABLES AND COLLECTORS FOR SAID TAXES WHO SHALL ALLOW FIVE PER CENT INTEREST ON THE ADVANCE PAYMENT.

WHEREAS the Congress of the United States have called for an immediate supply of money in the public treasury, as indispensably necessary to enable them to prosecute their plans against the common enemy, in conjunction with the fleets and armies of the Allies of these States, whose arrival is hourly expected; and as the supplies of men granted by the General Court of this State may prove fruitless without a punctual compliance with the requisition also: Therefore

*Resolved*, That the good people of this State who live in the counties of Suffolk, Essex, Middlesex, Hampshire, Plymouth, Bristol and Worcester, be, and they hereby are earnestly requested to pay into the hands of one of the Commissioners hereafter named, immediately, such sums as may be about their respective proportions of that moiety of the tax ordered to be paid into the treasury on the 15th day of July next; and all who have it in their power to advance their proportion of the other moiety of the tax ordered to be paid into the treasury by the 15th day of September next, are hereby informed, that the exigencies of the public are a most pressing call upon them to advance their proportion of the second moiety also, forthwith, in the same manner, and as large a sum in addition thereto as their present circumstances will admit; and every person complying with this requisition, shall receive from the Commissioner to whom his money shall be paid, a receipt in the form hereinafter prescribed; which receipts shall be received by the Constables and Collectors in their respective districts, in payment of such moiety as shall be specified in the said receipts; and those persons who shall, agreeable to this application, advance both moieties of the tax aforesaid, shall be allowed and paid, by the respective Constables and Collectors aforesaid, five per cent. on the sum advanced for the second moiety aforesaid; and those persons whose zeal for their country's welfare shall prompt them to advance a larger sum than the amount of both moieties of the tax aforesaid, shall be repaid the balance by the Constables and Collectors of their respective districts, on the said 15th day of September next, with an allowance of five per cent. In both of the last mentioned cases, the sum allowed for advancing the money to be endorsed on the back of the receipts. And the receipts above-mentioned shall be received by [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State, of the Constables and Collectors receiving the same as aforesaid, in discharge of the tax aforesaid, for the sums expressed in said receipts and the allowance which was made thereon. And the receipts for the sums paid on account of the first moiety of the above-mentioned rate, shall be in the form following:

Received this                      day of                      1780, of                      of the  
town of                      in the county of                      the sum of                      ad-  
vanced to Government, on account of the first moiety of the tax,  
which is ordered to be paid into the treasury on the 15th day of  
July next.                      Commissioner.

Legislative  
Records of the  
Council,  
xl., 492.  
Mass.  
Archives,  
ccxviii., 259.  
Mass.  
Resolves,  
May Session,  
chap. 57.

Mass.  
Archives,  
ccxviii., 263.

<sup>1</sup> *Ante*, p. 337, chap. 734.



And the receipts for the sums that shall be paid over and above the first moiety aforesaid, shall be in the form following:

Received this                      day of                      1780, of                      of the town of                      in the county of                      the sum of                      advanced to Government, agreeable to a Resolution of the General Court, of the 15th day of June, 1780; for which sum the said                      shall, on the 15th day of September next, receive an allowance of five per cent. and also the ballance that shall be then due to him, if any such shall remain after discharging his proportion of the second moiety of the tax, which is ordered to be paid into the treasury on the 15th day of September next.

Commissioner.

And it is further

*Resolved*, That the following persons be appointed Commissioners to receive and give receipts for any sums which may be advanced as aforesaid, viz. In the county of Suffolk, Thomas Walley, Esq., Samuel Henshaw, Esq., Mr. Abner Ellis, and Mr. Stephen Stoddard. In the county of Essex, Mr. Samuel Ward, Jonathan Titcomb, Esq., Jonathan Webster, Esq., and the Hon. Michael Farley, Esq. In the county of Middlesex, the Hon. James Prescott, Esq., Samuel Thatcher, Esq., Col. Loammi Baldwin, Mr. William Brown, and Maj. Joseph Hosmer. In the county of Hampshire, Elijah Hunt, Esq., Mr. David Sexton, and Mr. Thomas Williston. In the county of Plymouth, Mr. David Jacobs, Maj. Nathaniel Goodwin, and Capt. Abraham Washburn. In the county of Worcester, Joseph Allen, Esq., William Dunsmore, Esq., Lieut. Andrew Parker, Mr. Ebenezer Waters, and Capt. Loring Lincoln. In the county of Bristol, Edward Pope, Esq., Col. Shubael Peck, and Samuel Toby, Esq. Each of the before-mentioned receipts to be signed by only one of the aforesaid Commissioners.

And the Commissioners aforesaid shall forthwith pay, or cause to be paid, into the Treasury, all monies by them received of any person as aforesaid: And each of them shall keep an account of all sums by him received, and of whom, and shall lodge the same in [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer's office without delay.

And whereas it is of the highest consequence that the purpose of this application be answered with the utmost possible dispatch, the Selectmen and Committees of Correspondence of the several towns in the counties herein mentioned, are hereby most earnestly requested to use their utmost exertions, that the monies herein called for may be collected and paid to some one of the Commissioners beforenamed, without the smallest delay: And when 'tis remembered what important services have been rendered to the community by their public officers, on past occasions, the General Assembly have the fullest confidence that no pains will be spared on their part on this pressing emergency. [*Passed June 15.*<sup>2</sup>

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> This date is same in Legislative Records of the Council, but is June 14 in Massachusetts Resolves.



## CHAPTER 58.

RESOLVES LAYING AN EMBARGO ON ALL SAVE COASTING AND FISHING VESSELS, WITH PENALTIES FOR VIOLATION OF SAME, AND PROVIDING FOR THE ISSUE OF PERMITS UNDER PECULIAR CIRCUMSTANCES AND AN IMMEDIATE SUPPLY OF COPIES OF THIS RESOLUTION.

WHEREAS the present crisis is pregnant with the most important events to the country, and a vigorous and immediate attention to the requisition of the Committee of Congress and Gen. Washington, for filling up the Continental Army and forwarding supplies will probably produce the most happy effects, and as the necessary measures for that end will be greatly embarrassed, unless as many effective men as are in the State be retained in it; and for this end an immediate embargo is unavoidable. Therefore

*Resolved*, That from and after the 15th day of June instant, no ship or vessel other than coasting and fishing vessels be permitted to sail from any port or harbour in the county of Suffolk; nor after the 16th day of the same June from any port or harbour in the county of Essex, Plimouth or Barnstable; nor after the 18th day of the same June from any other port or harbour in this State, until the further Order of the General Court, or the Council in the recess thereof.

And the several Naval-Officers and Commanders of forts in this State are directed to take notice hereof and govern themselves accordingly. And it is further

*Resolved*, That if any ship or vessel shall sail out of any port or harbour in this State, contrary to this Resolve, one fourth part thereof, together with the cargo on board the same, shall be forfeit to the use of any person who shall prosecute in the Maritime Court for the same.

And whereas it may so happen, that some vessels may be in peculiar circumstances, and it may be necessary that permits be given for their sailing, notwithstanding this embargo; therefore be it further

*Resolved*, That the honorable Council are hereby impowered to grant permits for any vessel to sail, and order the Naval-Officer for the port from whence such vessel is to sail, to clear her out where they shall judge the circumstances of the case absolutely require it. And it is further

*Resolved*, That the Secretary of this State is hereby directed to furnish the several Naval-Officers in this State, in the most expeditious manner possible, with a copy of the foregoing Resolutions. [Passed June 15.]

Legislative  
Records of the  
Council,  
xl., 491.  
Mass.  
Archives,  
ccxxviii., 257.  
Mass.  
Resolves,  
May Session,  
chap. 66.

## CHAPTER 59

RESOLVE EMPOWERING THE TOWN OF WALTHAM TO CHOOSE A CONSTABLE (IN LIEU OF ISAAC STEARNS INCAPACITATED WITH A BROKEN THIGH) WITH SAME AUTHORITY AND UNDER THE SAME RESTRICTIONS AS IF CHOSEN AT THE MARCH MEETING.

ON THE PETITION of Jonas Dix, in behalf of the town of Waltham, praying said town may be impowered to choose a Constable in the room of Isaac Stearns, one of their Constables, who has had the misfortune of breaking his thigh, and thereby rendered incapacitated to do the duty of a Constable:

*Resolved*, That the town of Waltham be, and is hereby impowered, to make choice of a Constable (in lieu of Isaac Stearns,

Legislative  
Records of the  
Council,  
xl., 495.  
Mass.  
Archives,  
ccxxviii., 270.  
Mass.  
Resolves,  
May Session,  
chap. 63.



Mass.  
Archives,  
ccxxviii., 271.

one of their present Constables, who is incapacitated to execute that office by reason of a broken thigh) vested with the same authority and under the same restriction as though he had been chosen in the month of March last. [*Passed June 15.*]

## CHAPTER 60.

Legislative  
Records of the  
Council,  
xl., 495.  
Mass.  
Archives,  
ccxxviii., 267.  
Mass.  
Resolves,  
May Session,  
chap. 61.

RESOLVE REQUESTING THE COUNCIL TO ORDER CAPT. AMOS LINCOLN TO DETACH A NUMBER OF MEN AND AN OFFICER FROM HIS COMPANY TO DO DUTY AT HULL AND PLACING THEM UNDER THE COMMAND AND DIRECTION OF THE CAPTAIN OF THE CASTLE.

WHEREAS the time for which the men inlisted to do duty at Hull is expired: Therefore

*Resolved*, That the honorable Council be requested to order Capt. Amos Lincoln to detach such a number of men as they judge necessary, with a proper officer to command them, from the company under his command, to do duty at Hull, until the further order of the General Court, or the Council in the recess thereof; and that the post at Hull aforesaid, with the men doing duty there, be under the command and direction of [John Hancock, Esq.,]<sup>1</sup> the Captain of the Castle. [*Passed June 15.*]

## CHAPTER 61.

Legislative  
Records of the  
Council,  
xl., 496.  
Mass.  
Archives,  
ccxxviii., 273.  
Mass.  
Resolves,  
chap. 60.  
Mass.  
Archives,  
ccxxviii., 274.

RESOLVE GRANTING £1,200 TO WILLIAM BAKER, MESSENGER TO THE GENERAL COURT, FOR ONE QUARTER'S SERVICES COMMENCING THE 20TH OF MAY LAST.

ON THE PETITION of William Baker:

*Resolved*, That there be paid to William Baker, out of the public treasury, the sum of One Thousand two Hundred Pounds, in full for one quarter of a year's service as Messenger of the General Court, commencing the 20th day of May last. [*Passed June 15.*]

## CHAPTER 62.

RESOLVE PREMITTING JOHN McGRAY OF YARMOUTH, N. S., LATELY CAPTURED BY TWO WHALEBOATS COMMANDED BY CAPTAINS THOMPSON AND SAUNDERS, TO RETURN WITH HIS VESSEL AND EFFECTS TO NOVA SCOTIA, AND RECOMMENDING SAID CAPTAINS TO DELIVER HIM HIS VESSEL AND EFFECTS AS HE PROVED HIMSELF FRIENDLY TO THE UNITED STATES BY RELIEVING MANY OF OUR UNFORTUNATE PRISONERS WHEN CAPTIVATED BY THEIR UNNATURAL ENEMIES.

ON THE PETITION of John McGray, an inhabitant of Yarmouth, in Nova-Scotia, taken and captured by two whale-boats, one being commanded by Capt. Cornelius Thompson, of Salem, and the other commanded by one Capt. Saunders, of Cape-Ann, praying for leave to return to Nova-Scotia, with his vessel and effects: and it appearing to this Court that the said McGray has approved himself friendly to the United States of America, by relieving many of our unfortunate prisoners when captivated by their unnatural enemies: Therefore

*Resolved*, That the prayer of the said petition be so far granted, as that the above-said John McGray have leave to return to

<sup>1</sup> *Ante*, p. 205, chap. 429.



Nova-Scotia, with his vessel and effects, as soon as may be; and it is earnestly recommended to the afore-named Cornelius Thompson and Capt. Saunders, to deliver to the said McGray his vessel and effects; and the Commanders of all armed vessels and others belonging to this State, are hereby directed to suffer the said McGray to pass with his vessel and effects, for the purpose above-mentioned, unmolested; and it is hereby recommended to the Commanders of all vessels belonging to the United States, or any of them, to let the said McGray pass, for the purpose above expressed, without hindrance. [*Passed June 15.*]

## CHAPTER 63.

RESOLVE ALLOWING THE ACCOUNTS OF THE TREASURER OF SUFFOLK COUNTY.

WHEREAS it appears upon examination of the accounts of the treasurer of the county of Suffolk, that all monies granted and allowed by the Court of General Sessions of the Peace for said county for the year 1779, were for such purposes and appropriations as the law impowered said court to grant: Therefore

*Resolved*, That said accounts be allowed. [*Passed June 15.*]

Legislative  
Records of the  
Council,  
xl., 497.  
Mass.  
Archives,  
ccxxviii., 272.  
Mass.  
Resolves,  
May Session,  
chap. 64.

## CHAPTER 64.

RESOLVE DISCHARGING THE COUNCIL COMMITTEE TO EXAMINE, CONCUR AND PAY ACCOUNTS OF VARIOUS AMOUNTS RECEIVED FROM MARCH 10 TO MAY 7 AND CREDITING THEM WITH THE BALANCE.

*Resolved*, That the Committee of Council appointed to examine, concur and pay accounts, viz. Jabez Fisher, Benjamin White, and Daniel Davis, Esquires, be and they hereby are discharged of the sum of One Hundred and forty Thousand Pounds, which they have received out of the treasury from March 10th to May 7th, inclusive, they having produced good and sufficient vouchers for the expenditure of the same; and that the said Committee be credited for the sum of Five Hundred twenty-six Pounds seventeen shillings and three Pence, which they have paid over and above the aforesaid sum of One Hundred and forty Thousand Pounds, including a ballance of One Thousand two Hundred forty-two Pounds three Shillings, which was due to said Committee: All which appears by the report of the Committee appointed to make the present settlement. [*Passed June 16.*<sup>1</sup>]

Legislative  
Records of the  
Council,  
xl., 497.  
Mass.  
Archives,  
ccxxviii., 277.  
Mass.  
Resolves,  
May Session,  
chap. 58.

## CHAPTER 65.

RESOLVES CONFIRMING THE GRANT OF A TOWNSHIP ON THE EAST SIDE OF SAGO RIVER, CONTAINING ABOUT SEVEN MILES SQUARE EXCLUSIVE OF PONDS, BOGS AND MOUNTAINS, TO SAMUEL WHITTEMORE AND AMOS LAWRENCE AND EXTENDING THE TIME FOR SETTLEMENT FOR SIX YEARS.

ON THE PETITION of Samuel Whittmore and Amos Lawrence, requesting the acceptance of a plan and confirmation of the land therein represented to them and their associates, in satisfaction

Legislative  
Records of the  
Council,  
xl., 498.  
Mass.

<sup>1</sup> This date is June 15 according to Legislative Records of the Council and Massachusetts Resolves.



Archives,  
cccxviii., 279,  
280. Mass.  
Resolves,  
May Session,  
chap. 67.

Province  
Laws, xviii.,  
753, chap. 90.

for a grant made to them on the 8th day of February, 1774, of a township of land of the contents of seven miles square, which grant was made in lieu of a township granted to Capt. John Flint and company, which was lost by running the line between this State and the State of New-Hampshire:

*Resolved*, That the township of land described by the following lines and courses, be considered to the aforesaid Samuel Whittemore and Amos Lawrence, and their associates, their heirs and assigns, on the conditions hereafter mentioned, viz. beginning at a tree standing by the East side of Sawco-River, at the head of Pearsontown, thence N. East, adjoining said Pearsontown, to Sebago-Pond, thence Northerly, by the side of said Pond, to Muddy-River, thence North, 36 degrees West, 522 rods, thence N. West, 960 rods, thence S. West, 1584 rods, thence South, 30 degrees East, 516 rods, thence South, 60 degrees West, 3 miles, thence South, 400 rods, thence South, 60 degrees West, 1 mile, to Sawco-River, thence Southerly, down said River, to the bounds first mentioned, on the condition that this grant does not interfere with any former grant or grants, and that the grantees perform the terms mentioned in the said grant of February 8th, A.D. 1774, provided it does not contain more than the quantity of seven miles square.

The whole plan<sup>1</sup> contains, by measure, 36380 acres, the ponds, bogs and mountains, measure 5600 acres, which leaves to grantees a township almost equal to seven miles square.

And whereas the time is expired in which, by the grant of said township, thirty families were to be settled: It is therefore further

*Resolved*, That six years from the date hereof be allowed the grantees for settlement of the thirty families aforesaid. [*Passed June 16.*]

## CHAPTER 66.

RESOLVE DIRECTING JAMES PRESCOTT AND SAMUEL ALLYNE OTIS, TWO OF THE PROPRIETORS OF A TOWNSHIP GRANTED IN 1771 TO THE LEGAL REPRESENTATIVES OF JOHN GORHAM, ESQ., AND OTHERS, TO GIVE NOTICE TO ALL DELINQUENT PROPRIETORS OF A HEARING AS TO SAME ON THE 2d WEDNESDAY OF THE NEXT SESSION.

Legislative  
Records of the  
Council,  
xl., 499.  
Mass.  
Resolves,  
May Session,  
chap. 70.

Province  
Laws, xviii.,  
542, chap. 22.

ON THE PETITION of James Prescott and Samuel Allyne Otis, two of the proprietors of a township granted in the year 1771, to the legal representatives of John Gorham, Esq., and others, upon conditions set forth in said grant, which conditions are, that the grantees settle thirty families and build a meeting-house in six years; many of said proprietors having given away part of their lands, and have procured a number of settlers, who are now on said lands, in compliance with the conditions of said grant, yet sundry of said proprietors, not regarding to do their duty in bringing forward the settlement of said township, nor fulfilling the conditions of said grant, thereby increasing the burden and expences of those proprietors who have complied with their duty, and lessens the value of those lands in said township, by reason of the neglects of the others not carrying on their part of the settlement: Therefore

*Resolved*, That the petitioners give notice to all such delinquent proprietors which neglect to assist in carrying on the settlement of said township, by inserting in one of the Boston news-papers, three weeks successively, a copy of the substance of their petition,

<sup>1</sup> The plan is not in Massachusetts Archives.



and this order thereon, that they may shew cause (if any they have) on the 2d Wednesday of the next setting of the General Court, why part of their lands should not be sold in order to bring on the settlement of said township, and fulfill the conditions of the grant aforesaid, and also to refund to the proprietors the extraordinary charges and expences they have or may be put to on account of their unreasonable delay of settlement. [*Passed June 16.*]

CHAPTER 67.

VOTE DECLARING THAT AS JOHN CATHCART, LATE COMMANDER OF THE STATE BRIG TYRANNICIDE, WAS ENTITLED TO THE SHARE OF ALL PRIZES TAKEN IN THE PENOBSCOT EXPEDITION THAT WOULD OTHERWISE HAVE BELONGED TO THE STATE HE HAS NO JUST CLAIM FOR DAMAGES SUSTAINED IN SAID EXPEDITION.

THE COMMITTEE on the petition of John Cathcart, late Commander of the State Brig Tyrannicide have attended that service, and find that by a Resolve of Council of July 3, 1779, the Committee appointed to inlist men for manning the ships and vessels destined on the expedition to Penobscot, were in said Resolve im- powered and directed to publish and declare to all persons inclin- ing to take part in said expedition, that the States would not, directly or indirectly, share any part of any armed vessel or ship or transport, or other vessel which might be captured by the fleet destined to Penobscot, or by any vessel thereto belonging, and that the share that might accrue to this State shall accrue to the cap- tors, and be shared among them, and the petitioner being engaged in that expedition, and in consequence of said Resolve intitled to his part of all prizes that would otherwise have belonged to this State, your Committee are of opinion, that the petitioner cannot have any just claim on this State for damages he sustained in the losses mentioned in his petition.

Legislative  
Records of the  
Council,  
xl., 500.  
Mass.  
Archives,  
ccxxviii., 281.  
Mass.  
Resolves,  
May Session,  
chap. 69.  
Mass.  
Archives,  
ccxxviii., 282-  
284.

In the House of Representatives

Read and Accepted

In Council

Read and Concurred. [*Passed June 16.*]

[His account follows:]

An Acc<sup>t</sup> of loss sustained by Cap<sup>t</sup> Jn<sup>o</sup> Cathcart, commander of the State Brig Tyrannicide, at Penobscot.

1 Feather Bed weighg 30 lb @ 9 £	£270.0.0
2 pair Sheets containg 22 Yards @ 20 £	440.0.0
1 Counterpain	150.0.0
2 Coats $\frac{1}{2}$ wore } Superfine	£400.0.0
2 do $\frac{1}{2}$ do }	300.
4 pair White Dimity Breeches, almost new	350.0.0
4 Waistcoats do do	350.0.0
6 pair new Worsted Stockings @ 30 £	180.0.0
6 pair thread do	180.0.0
7 new ruffled Shirts	934.0.0
1 Hadleys Quadrant	£300.0.0
1 Quarter Waggoner	150.0.0
1 Daily Assistant	60.0.0
1 Marriners Compass	45.0.0
1 Scale & Dividers	45.0.0
Chest & Trunk	600.0.0
	100.0.0
	£4,254.0.0

Besides a number of old Worsted Stockings,  
Sea Cloaths, Hatts, Shoes, Check Shirts, Handkerchiefs,  
Trowsers, &c., &c., &c., Vallued at

Errors Excepted JOHN CATHCART.  
Massachusetts Archives, ccxxviii., 252.



## CHAPTER 68.

RESOLVE EMPOWERING AND DIRECTING THE TREASURER TO ISSUE CERTIFICATES TO THE PURCHASING COMMISSARIES OR OTHER PURCHASERS OF SUPPLIES FOR THE ARMY IN DISCHARGE OF WARRANTS OF COUNCIL FOR A SUM NOT EXCEEDING £40,000, TO BE PRINTED WITH A SUITABLE BORDER AND OTHER MARKS TO PREVENT COUNTERFEITING; THE COMMISSARY OF PURCHASES TO ISSUE SUCH CERTIFICATES FOR PURCHASES FOR THE ARMY.

Legislative  
Records of the  
Council,  
xl., 500,  
Mass.  
Archives,  
ccxxviii., 275,  
Mass.  
Resolves,  
May Session,  
chap. 68.

WHEREAS the taxes which have been ordered for supplying the treasury of this State, to support the war, will not, in consequence of the times limited for collecting and paying in the same, answer the present calls of Government, arising from the exertions now making for effectually co-operating with the naval and other forces of our Allies, whose arrival from France is daily expected: Therefore

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be, and he hereby is impowered and directed, to issue certificates to the purchasing Commissaries or other purchasers of supplies for the army for this State, in discharge of warrants of Council in their favor for that purpose from time to time, for a sum not exceeding Forty Thousand Pounds, which certificate shall be in tenor and form following, viz.

State of Massachusetts-Bay, 1780.

This certificate entitles the bearer to receive out of the Treasury of this State, within three months from the date hereof Dollars, to be paid in the money to be emitted pursuant to a resolution of Congress of the 18th of March last, with interest at the rate of five per cent per annum.

Witness my hand, H. G. Treasurer.

And the Treasurer is hereby directed to procure them printed with a suitable border, and other marks to prevent counterfeits.

And the said Commissaries of purchases shall issue said certificates to any person or persons of whom they may purchase supplies for the use of the army, at the same rate as gold or silver, and not otherwise.

And the Treasurer is hereby directed to fill up said certificates with such sums as will best accommodate the purchasers. [*Passed June 16.*]

## CHAPTER 69.

RESOLVES DIRECTING THE SELECTMEN OF BOOTHBAY TO ASSESS THE POLLS AND ESTATES WITH THE FULL SUMS SET IN THE TWO TAX ACTS PRECEDING THE LAST, THE CONSTABLES OR COLLECTORS TO GATHER THE SAME AND PAY THEM INTO THE TREASURY AND THE TREASURER TO STAY HIS EXECUTIONS AGAINST SAID CONSTABLES OR COLLECTORS UNTIL FURTHER ORDER.

Legislative  
Records of the  
Council,  
xl., 506,  
Mass.  
Archives,  
ccxxviii., 285,  
Mass.  
Resolves,  
May Session,  
chap. 71.  
Mass.  
Archives,  
ccxxviii., 286.

ON THE MEMORIAL of the Selectmen of the town of Boothbay, setting forth, that the late Selectmen of said town have neglected to assess the inhabitants of said town in the two last preceeding State taxes, and that the Selectmen for the present year cannot by law assess the same, whereby great inconveniences have arisen: Therefore

*Resolved*, That the Selectmen of the said town of Boothbay for the time being, be, and they hereby are impowered and directed,

<sup>1</sup> *Ante*, p. 337, chap. 734.



as soon as may be, to assess the polls and estates of the inhabitants of the said town of Boothbay with the full sums set to said town in the two tax-acts preceeding the last, and commit perfect lists of the said assessments to the Constables or Collectors of the said town of Boothbay, requiring them to gather the same, and pay them into the treasury of this State without delay; and the said Constable or Collectors are hereby impowered and directed to gather the same, any law of this State to the contrary notwithstanding. And it is further

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be, and hereby is directed, to stay his executions against said constables or collectors, until the further order of this Court. [*Passed June 17.*<sup>2</sup>

## CHAPTER 70.

RESOLVE DESIRING THE SECRETARY TO WRITE TO COL. GREATON TO INVESTIGATE THE CHARGES OF STEPHEN SMITH AND OTHERS WHO ENLISTED FOR THREE YEARS AND ARE HELD FOR THE WAR.

ON THE PETITION of Stephen Smith, in behalf of himself and Seward Pollard, Nehemiah Pollard and Seth Farrow: And also the petition of Barnabas Penior, all soldiers in the Continental Army, setting forth, that they inlisted for three years only, but to their great disappointment, although they have served out the full term of three years for which they were engaged, they are still held, being returned during the war, and praying the interposition of this Court:

*Resolved*, That the Secretary be desired to write to Col. [John]<sup>3</sup> Greaton, and request him to inquire into the matter, and report a state of facts to this Court as soon as may be. [*Passed June 17.*

Legislative  
Records of the  
Council,  
xl., 508.  
Mass.  
Archives,  
ccxxviii., 287.  
Mass.  
Resolves,  
May Session,  
chap. 73.

Mass.  
Archives,  
ccxxviii., 287-  
296.

## CHAPTER 71.

RESOLVE DIRECTING MAJ. STEPHEN BADLAM, SUPERINTENDENT OF SUFFOLK COUNTY, TO DELIVER MEN RAISED FOR THE CONTINENTAL ARMY TO COL. JOHN CRANE, COMMANDER OF AN ARTILLERY REGIMENT, TAKING HIS RECEIPT AND TO RETURN SAID RECEIPT WITH A DESCRIPTIVE LIST TO THE SECRETARY'S OFFICE AND MAKE RETURN TO THE COMMISSIONER AT SPRINGFIELD.

ON THE PETITION of Col. John Crane, praying that a number of men, engaged to serve six months in the Continental Army, may be delivered to him, to serve in the Regiment under his command:

*Resolved*, That Maj. Stephen Badlam, Superintendant for the county of Suffolk, be, and he hereby is empowered and directed to deliver any of the men raised for filling up the Continental Army, in said county, to John Crane, Esq., Commander of a regiment of artillery in the Continental army, provided the said men shall chuse to be incorporated in said regiment; and the said Superintendant is directed to take a receipt from Col. Crane, for the men he shall so deliver, in the same manner as he is directed to take from the Commissioner at Springfield, and return said receipt, with a descriptive list, into the Secretary's-office; and also return the names and a descriptive list to the Commissioner at Springfield, aforesaid. [*Passed June 17.*

Legislative  
Records of the  
Council,  
xl., 509.  
Mass.  
Archives,  
ccxxviii., 297.  
Mass.  
Resolves,  
May Session,  
chap. 72.

Mass.  
Archives,  
ccxxviii., 298.

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> This date is June 16 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>3</sup> Heitman, Historical Register of Officers of the Continental Army, 1914.



## CHAPTER 72.

RESOLVE GRANTING WILLIAM CROSMAN, LATE LIEUTENANT IN THE 15TH BATTALION, EQUAL ADVANTAGES WITH OFFICERS OF THE SAME RANK FOR THE TIME OF HIS SERVICE, THOUGH DISMISSED FOR ABSENTING HIMSELF WITHOUT LEAVE.

Legislative  
Records of the  
Council,  
xl., 481.  
Mass.

Archives,  
ccxxviii., 301.  
Mass.  
Resolves,  
May Session,  
chap. 34.

Mass.  
Archives,  
ccxxviii., 302.

ON THE PETITION of William Crosman, late [Lieutenant in the 15th Massachusetts Battalion, dismissed for absenting himself without leave]<sup>1</sup>:

*Resolved*, That the prayer of said petition be granted; and that the said petitioner be, and he hereby is, intitled to equal advantages with other officers of the same rank, for the time of his service [four years and six months]<sup>1</sup> in the Continental Army; and that the same be made good to him. [*Passed June 19.*<sup>2</sup>

## CHAPTER 73.

RESOLVE GRANTING £600 TO THE TOWN OF CHATHAM, A FINE LAID FOR DEFICIENCY OF ONE MAN IN 1779 THOUGH IT RAISED ITS FULL PROPORTION.

Legislative  
Records of the  
Council,  
xl., 482.  
Mass.

Archives,  
ccxxviii., 156.  
Mass.  
Resolves,  
May Session,  
chap. 32.

Mass.  
Archives,  
ccxxviii., 157.  
*Ante*, p. 44,  
chap. 75.

ON THE PETITION of Richard Sears, in behalf of the town of Chatham, setting forth, that the town is fined Six Hundred Pounds in the last tax-act, for one deficient man, required by a resolution passed June 1779; and hath made it appear that the town raised their full proportion required of them, and on their march to join the Continental Army, one of them was seized with a lameness, which confined him most of the time since, though the town had no apprehension of such an event: Therefore

*Resolved*, That there be allowed and paid out of the publick treasury of this State, the sum of Six Hundred Pounds, to Richard Sears, for the use of the town of Chatham, in full for the fine aforesaid. [*Passed June 19.*<sup>2</sup>

## CHAPTER 74.

RESOLVES DIRECTING THE PURCHASE OF 666,035 POUNDS OF BEEF, 225 HOGSHEADS OF RUM AND 4,571 BUSHELS OF GRAIN FOR FORAGE PER MONTH, THE HIRE OR PURCHASE OF 1,020 HORSES OR OXEN FOR THE UNITED STATES AND THE SEIZURE OF ALL GRAIN OVER AND ABOVE WHAT IS NECESSARY TO SUBSIST ANY PERSON AND HIS DEPENDENTS UNTIL THE NEXT CROP, THE COUNCIL TO REPORT TO GEN. WASHINGTON AND THE COMMITTEE OF THE CONGRESS THE MEASURES THIS STATE HAS TAKEN.

*Resolved*, That Joseph Baker, Esq., Commissary for purchasing beef and pork, be, and he is hereby directed, to purchase 666,035 pounds of beef per month, for the use of the United States.

That Charles Miller, Esq., Commissary for rum and salt, be, and he is hereby directed, to purchase 225 hogsheads of rum per month, for the use of the United States: And the said Baker and Miller are required to cause the before-mentioned beef and rum to be transported to, and delivered at, such place as the Commissary-General of the United States shall direct.

Legislative  
Records of the  
Council,  
xl., 501.  
Mass.

Archives,  
ccxxviii., 304-  
313. Mass.  
Resolves,  
May Session,  
chap. 74.

Mass.  
Archives,  
ccxxviii., 314.

<sup>1</sup> Massachusetts Archives, ccxxviii., 302.

<sup>2</sup> This date is June 10 according to Legislative Records of the Council and Massachusetts Resolves.



That the Committee, whose appointment is herein after provided for, be, and they are hereby directed, to take effectual measures for purchasing 4571 bushels of grain, for forage, per month, and to cause the same to be transported to, and delivered at, such place as the Quarter-Master-General of the Continental Army shall direct: And the Commissioners lately appointed for collecting money in the several counties, are hereby directed, to afford all the aid in their power to the said Committee; and any person employed by them in the execution of this business, to carry into effect the true intent and design of this Resolution, for the purchase and transportation of the aforesaid grain. And the Commissaries before-named, as well as the Committee, are hereby directed, to cause the first monthly quota of supplies herein before required of them respectively, to be delivered as above directed, by the 1st day of July next, and the subsequent ones monthly, within the months succeeding, as the Quarter-Master or Commissary-General may direct. All the supplies before-mentioned to be continued till the last of November next, unless orders are given to the contrary.

*Resolved*, That one person be appointed in each of the counties of Suffolk, Essex, Middlesex, Hampshire, Plymouth, Bristol, Worcester, and Berkshire, to procure, in their respective counties, the number of draft-horses herein-after allotted to the same, to be delivered at such place as the Quarter-Master-General shall direct, on or before the 1st day of July next; and the persons who shall be appointed for the purpose last mentioned, are hereby directed to procure the horses by hire, if practicable; and if they fail in this attempt, then to hire oxen; in either of which cases, the contracts are to be made payable in gold or silver, or in paper money equivalent; and the value of the horses or oxen to be appraised by disinterested, judicious men, under oath, a return whereof is to be made to the Quarter-Master-General: Said horses and oxen to be engaged till the last of November next, if needed: And the persons before-mentioned are directed to engage and contract with one driver for every four horses or oxen they shall hire: But if the number of horses and oxen, herein allotted to each county, cannot be obtained by hire immediately, then the persons before-mentioned are hereby directed to purchase, and cause to be purchased, such a number of good, sound, and serviceable draft horses, as shall make up the number hereinafter allotted to the said counties respectively. None are to be hired or purchased, but such as may be depended on to perform good service. And each of the persons before-mentioned, is hereby directed, to cause every horse, purchased by him and his order, to be branded on the near buttock, with the initial letter of the county where he lives, saving that the purchaser in the county of Berkshire, shall use the letters B.K. and the purchaser in the county of Bristol, shall use the letters B.S.

*Resolved*, That the honorable major part of the Council be, and they hereby are impowered and requested to issue their warrants in favor of the before-mentioned Committees, and also in favour of said Baker and Miller, and the purchasers of horses, as aforesaid, for such sums, in current money and in certificates, engaging the money to be soon emitted by Congress, as they, the said major part of the Council, shall judge adequate to the purposes intended. And the several and respective Collectors and Constables within the several counties aforesaid, having taxes in their hands, uncollected, are hereby respectively ordered and directed to receive the certificates aforesaid, in payment and discharge thereof, and the same shall be received into the treasury of this State, in dis-



charge of an equal sum, wherewith said Collectors and Constables are respectively charged, in the rate and proportion of one Dollar, mentioned and expressed in said certificate, for and in discharge of forty Dollars, with which said Collectors and Constables are so charged.

*Resolved*, That there be appointed a Committee of the General Court, to reside in such town, within either of the counties of Worcester, Hampshire, or Berkshire, as they shall think proper, to whom very particular returns shall be made weekly, from the before-named Baker; and the person or persons on whom they shall depend for a supply of grain, of the quantities of beef and grain procured and engaged, and when they will be delivered, as before prescribed: And that the said Committee be, and they hereby are impowered and directed, in case the monthly supplies of beef and grain cannot be procured by purchase, to order the same to be procured by impress, as is hereinafter provided: And the said Committee shall receive complaints against any persons employed in purchasing grain, and shall displace any, if they shall judge the public service requires it, and appoint, or cause others to be appointed, in their room: The said Committee to correspond with [Gen. Washington]<sup>1</sup> the Commander in Chief, the Committee of Congress, and the Council of this State, respecting their doings and prospects; and to continue in office until the end of the next setting of the General Court.

And in case it should so happen, that the wants of the public should render it indispensably necessary that the aforesaid measure, by impress, should be adopted for the security and defence of the country. Be it further

*Resolved*, That the respective purchasers of grain, having received an express order from the Committee before mentioned for that purpose, where they the said purchasers have reason to suspect, and do suspect, that any person is possessed of more grain than is necessary to subsist himself and his immediate dependants, until the time at which such person may be supplied from the then next crops; in every such case, such purchaser is hereby directed and required to apply to a Justice of the Peace within the county where such withholder lives, who is hereby required and directed to issue his warrant in the words following, viz.

ss. To the sheriff of the county of S—. his under Sheriff or deputy, or either of the Constables of the town of B—. greeting.  
(L. S.)

Whereas application hath been made to me, a Justice assigned to keep the peace within the county aforesaid, by A. B. of B. in the county of S. (addition) purchaser of forage for the army, that C. D. of                    in the same county (addition) hath more grain than is necessary to subsist himself and immediate dependants, until the time at which the said C. D. may be supplied from the next crops, and that such surplus is indispensably necessary to be procured for the Army of the United States, wherefore, in the name of the government and people of the Massachusetts-Bay in New-England, you are hereby commanded forthwith, in company with two or more of the Selectmen of said B. (or A. B, C D, E F, reputable freeholders of said H. in case the said grain is stored or secreted in an unincorporated plantation) which Selectmen (or freeholders) are hereby commanded to attend you to make diligent and strict search, in such places within said town or plantation (in the day time only) as shall be pointed out to you by the said A. B. and in case there shall be found by such search a larger

<sup>1</sup> Heitman, Historical Register of Officers of the Continental Army, 1914.



quantity of grain than in the judgment of said Selectmen (or freeholders) shall be necessary to subsist the said C. D. and his immediate dependants, until he may be supplied from the next crops, the said Selectmen (or freeholders) are hereby directed to set apart, for the support of the said C. D. and his immediate dependants, such quantity only thereof, as, in their judgment, shall be necessary for the purpose aforesaid, and the residue and remainder of all the grain, so found, you are to cause the said Selectmen (or freeholders) to appraise, at what they shall judge to be the true value thereof; and the same, so appraised, you are to deliver unto the said A. B. and you are to make a certificate of the quantity of said grain, so delivered unto the said A. B. and the appraised value thereof, and forthwith deliver the said certificate unto the said C. D.

Hereof you may not fail, and make true return hereof with your doings herein, unto myself, as soon as may be. Dated at B. this                      of                      Anno. Domini, 1780.

And the said Selectmen and freeholders are hereby required to pay obedience to the directions which are mentioned in the form of the warrant aforesaid; and the said purchaser shall pay unto such owner the appraised value aforesaid, in Continental bills, or the certificates aforesaid. And it is further

*Resolved*, That if any person shall bring a suit at law, for any thing done in obedience to the resolution immediately preceeding, the same may be given in evidence under the general issue.

*Resolved*, That the Committee aforesaid be directed to take care that the grain forwarded to the Army, under their direction, be receipted for, agreeably to a requisition of the honorable the Committee of Congress, in their letter of the 2d of this month, or an account or invoice, as therein mentioned, be transmitted with each parcel, a copy of which requisition and account the said Committee shall furnish themselves with, the same to be attested by the Secretary.

And the honorable the Council are hereby requested to transmit to his Excellency Gen. Washington, and the honorable the Committee of Congress, information of the measures of this State in consequence of their applications.

*Resolved*, That the number of horses to be procured in each County be as follows, viz.

Suffolk . . . 101	Middlesex . . 140	Hampshire . . 192	Plymouth . . 72
Essex . . . 117	Worcester . . 204	Berkshire . . 121	Bristol . . . 73

[*Passed June 19.*<sup>1</sup>

## CHAPTER 75.

RESOLVE PERMITTING HENRY BROMFIELD, JR., TO GO TO GREAT BRITAIN IN THE NEXT CARTEL TO ATTEND TO HIS FATHER'S BUSINESS AND TO RETURN WHEN IT IS EFFECTED.

ON THE PETITION of Henry Bromfield, praying that his son Henry Bromfield, jun. may have leave to go to Great-Britain and return again for reasons set forth in said petition:

*Resolved*, That the prayer of the petition be granted, and the said Henry Bromfield, jun. be permitted, and he is hereby permitted to go to Great-Britain in the next cartel, under such re-

Legislative  
Records of the  
Council,  
xl., 510.  
Mass.  
Archives,  
ccxxviii., 299.  
Mass.  
Resolves,  
May Session,  
chap. 75.

<sup>1</sup> This date is same in Massachusetts Resolves, but June 16 according to Legislative Records of the Council.



Mass.  
Archives,  
ccxxviii., 300.

strictions as the council shall order, with leave also to return again when he shall have effected the business he goes upon. [*Passed June 19.*]

[The body of the petition follows.]

The Petition of Henry Bromfield humbly sheweth: That your Petitioner at the Commencement of the present Warr with great Britain was largely connected in Mercantile Business with his Brother Thomas Bromfield, late of London, Merchant, who having suddenly quitted that Country, of Necessity left his Affairs in a very unsettled Situation, to his own great Detriment & that of your Petitioner, which must be greatly enhanced unless Means are immediately taken to prevent it. Your Petitioner therefore humbly solicits the Indulgence of this Hon<sup>ble</sup> Court to permit his son to go into Britain for that Purpose, with Leave to return again to his own Country after effecting the Business of his Commission.

Your Petitioner presumes the political Character of his son is too well known & established to admit a Suspicion of his Want of Attachment to this Country, or that any other Motive than is here expressed influences your Petitioner in this Application. Who in Duty bound, will ever pray, &c.

Boston, 17th June, 1780.

HENRY BROMFIELD.  
Massachusetts Archives, ccxxviii., 300.

## CHAPTER 76.

VOTE CHOOSING ELISHA MAY LIEUTENANT COLONEL AND STEPHEN RICHARDSON FIRST MAJOR OF THE 4TH REGIMENT IN BRISTOL COUNTY.

In the House of Representatives

The House, by Ballot, made choice of Elisha May as Lieutenant-Colonel and Stephen Richardson First Major of the 4th Regiment of militia in the county of Bristol.

In Council

Read and Concurred. [*Passed June 19.*]

Legislative  
Records of the  
Council,  
xl., 510.  
Mass.  
Archives,  
ccxxviii., 320.  
Mass.  
Resolves,  
May Session,  
chap. 77.

## CHAPTER 77.

RESOLVE PERMITTING MARY CONDY TO GO TO NEW YORK TO SEE HER SISTER AND RETURN WITH CAPT. TIMOTHY FOLGER.

ON THE PETITION of Mary Condry [wife of James Foster Condry that she may go to New York to see her sister Mrs. Frederick William Geyer, who is languishing with a bilious fever within the British Garrison and to return with Capt. Folger]:<sup>1</sup>

*Resolved*, That Mary Condry be permitted to go to New-York, and return with Capt. Timothy Folger, for reasons set forth in her petition. [*Passed June 19.*]

Legislative  
Records of the  
Council,  
xl., 510.  
Mass.  
Archives,  
ccxxviii., 321.  
Mass.  
Resolves,  
May Session,  
chap. 76.  
Mass.  
Archives,  
ccxxviii., 322.  
*Ante*, p. 535,  
chap. 38.

## CHAPTER 78.

RESOLVE DECLARING THAT BOUNTIES GIVEN BY ANY TOWN OR INDIVIDUAL TO THOSE WHO SHALL ENLIST OR BE DRAFTED INTO THE CONTINENTAL ARMY PURSUANT TO RESOLVE OF THE 5TH INSTANT SHALL NOT BE DEDUCTED FROM THE 40s. PER MONTH PAID SUCH SOLDIERS UNLESS BY SPECIAL CONTRACT WITH TOWNS OR INDIVIDUALS.

WHEREAS doubts have arisen in the minds of many who are disposed to enlist to reinforce the Continental Army the ensuing campaign, that the bounties to be given by the several towns will

Legislative  
Records of the  
Council,  
xl., 510.  
Mass.

<sup>1</sup> Massachusetts Archives, ccxxviii., 322.



be deducted from the wages to be paid agreeably to a Resolve of this Court, passed the 5th instant: Therefore

*Resolved*, That whatever bounties may be given, by any town or individual in this State, to any soldier or soldiers who shall enlist or be drafted into the Continental Army, to reinforce the same, agreeably to the aforesaid Resolve, shall by no means be deducted from the forty Shillings per month, to be paid to such soldiers as may enlist or be drafted for the purpose aforesaid.

Provided nevertheless, That this Resolve shall not operate to set aside any special contract made with such soldiers by towns or individuals. [*Passed June 19.*]

Archives,  
ccxxviii., 323.  
Mass.  
Resolves,  
May Session,  
chap. 78.  
*Ante*, p. 519,  
chap. 11.

## CHAPTER 79.

RESOLVES APPOINTING AND EMPOWERING A COMMITTEE TO HIRE A SUM NOT EXCEEDING £20,000, IN ANTICIPATION OF TAXES, AT THE RATE OF EXCHANGE WHEN SAME IS ADVANCED, TO BE SECURED BY POSSESSION OF THE ESTATES OF ABSENTEES UNTIL SAME IS PAID, AND IN NO WAY INFLUENCING THE TRIAL OF SUCH ESTATES.

WHEREAS the exigencies of government are such as make it necessary to draw a sum of money into the public treasury, in addition to, and before the time that the taxes already granted become due: Therefore

*Resolved*, That the Hon. James Prescott, Esq., Caleb Davis, Esq., Thomas Dawes, Esq., Ebenezer Wales, Esq., and Samuel Henshaw, Esq., be, and hereby are appointed a Committee with full power to hire, in behalf of this government, of such persons as are disposed to advance and lend the same, a sum of money in gold or silver, not exceeding Twenty Thousand Pounds, or Continental bills of credit equivalent thereto, at the rate of exchange that such bills are at when the money is advanced. And it is further

*Resolved*, That the Committee aforesaid be empowered and directed, and they are hereby accordingly directed, to give security for the money so hired by them, for the use of this government, by making over and securing to the person or persons who shall lend or advance the money aforesaid, such estates or part of estates of the Absentees, as to the said Committee may appear proper, and as they shall agree with the persons advancing the money aforesaid. And it is further

*Resolved*, That the Committee aforesaid be directed, and they are hereby accordingly directed and empowered, to put the person or persons who shall advance money upon any of the estates aforesaid, in possession of the estate upon which the money shall be so advanced, on the expiration of the present lease or leases; and the person so advancing money and put in possession, shall hold and occupy the estate he so possesses, until the money by him so advanced shall be in equal value paid to him, with the interest thereon, provided the interest amount to more than the income or rent of said estate. And it is further

*Resolved*, That in case of any disagreement about the value of the money to be repaid to the lessees, or the rents of the estates by them occupied, the same shall be submitted to and determined by the judgment of persons mutually chosen by government and the lessees aforesaid. And it is further

*Resolved*, That the Committee aforesaid be directed, and they are hereby accordingly directed, to pay into the public treasury, all monies that shall be advanced by virtue of this Resolve, taking

Legislative  
Records of the  
Council,  
xl., 511.  
Mass.  
Archives,  
ccxxviii., 333.  
Mass.  
Resolves,  
May Session,  
chap. 83.



duplicate receipts therefor, one of which receipts shall be lodged in the Secretary's-office; and the Committee are hereby directed to make report to the General Court of their proceedings herein, as soon as the nature of the business will possibly admit.

And whereas it is not intended that an improper construction should be put on this measure, and it should be supposed to be intended to influence the trial of any such estates, or to preclude the creditors of such estates from their just debts: It is further

*Resolved*, That nothing herein contained shall be construed to express the sense of government as to the forfeiture of any of the said estates, nor shall it operate to prevent the same from being applied to the payment of the debts aforesaid; but if the possessor shall be evicted in any case from the possession of any estate pledged to him as aforesaid, he shall immediately be repaid the sums advanced by him, with the interest due thereon, or have other estate of equal value pledged to him for his security.

*Resolved*, That the powers given to the aforesaid Committee may be executed by any three of them. [*Passed June 19.*]

## CHAPTER 80.

### RESOLVE GRANTING £500,000 TO THE BOARD OF WAR.

Legislative  
Records of the  
Council,  
xl., 512.  
Mass.  
Archives,  
ccxxviii., 324.  
Mass.  
Resolves,  
May Session,  
chap. 82.

Mass.  
Archives,  
ccxxviii., 325.

ON THE REPRESENTATION of the Board of War, setting forth, that the money for which they have warrants on the treasury of this State, is nearly exhausted, and the absolute necessity of an immediate supply of money to enable them to fulfil the orders of government:

*Resolved*, That there be paid out of the treasury of this State, to the Board of War, Five Hundred Thousand Pounds, they to be accountable for the expenditure thereof. [*Passed June 19.*]

## CHAPTER 81.

### VOTE CHOOSING PURCHASERS OF HORSES.

#### In the House of Representatives

The House made choice of the following gentlemen to purchase horses, agreeably to a Resolve which passed this day, viz.

In the county of Suffolk,	Capt. Samuel Robinson,
Essex,	Jacob Gerrish, Esq.,
Middlesex,	Mr. William Waite.
Hampshire,	Mr. Moses Church.
Plymouth,	Maj. Seth Cushing.
Bristol,	Capt. James Perry.
Worcester,	Mr. Phineas Newhall.
Berkshire,	Mr. John Adams.

#### In Council

Read and Concurred. [*Passed June 19.*]

Legislative  
Records of the  
Council,  
xl., 513.  
Mass.  
Archives,  
ccxxviii., 328.  
Mass.  
Resolves,  
May Session,  
chap. 79.

*Ante*, p. 552,  
chap. 74.



## CHAPTER 82.

VOTE CHOOSING A COMMITTEE TO SUPERINTEND THE PURCHAS-  
ING OF GRAIN.

In the House of Representatives

The House, by Ballot, made choice of the following gentlemen as a Committee to superintend the purchasing of grain, agreeably to a Resolve which passed the House this day, viz. Samuel Osgood, Esq., Capt. Elijah Hunt, and Mr. Oliver Phelps.

In Council

Read and Concurred. [*Passed June 19.*]

Legislative  
Records of the  
Council,  
xl., 513.  
Mass.  
Archives,  
ccxxviii., 329.  
Mass.  
Resolves,  
May Session,  
chap. 80.

*Ante*, p. 552,  
chap. 74.

## CHAPTER 83.

RESOLVE DIRECTING THE COMMITTEE TO SETTLE WITH THE ARMY  
TO ALLOW DEPRECIATION TO THE CORPS OF ARTIFICERS UNDER  
MAJ. JOSEPH EAYRES, RECKONING THE PAY OF CAPTAINS AT  
£4. 10s., LIEUTENANTS AT £4 AND PRIVATES AT £3 PER MONTH,  
HAVING REGARD FOR ALL EXTRA PAY.

ON THE PETITION of Maj. Joseph Eayres:

*Resolved*, That the Committee appointed to settle with the army, be, and hereby are directed, in settling with the officers and privates in the corps of artificers, under the command of Maj. Joseph Eayres, to make good the depreciation of their wages, agreeable to the original establishment, to reckon the pay of the Captains at four Pounds ten Shillings per month, Lieutenants at four Pounds per month, and the privates at three Pounds per month, and no more, having regard to all extra pay by them received. [*Passed June 19.*]

Legislative  
Records of the  
Council,  
xl., 513.  
Mass.  
Archives,  
ccxxviii., 330.  
Mass.  
Resolves,  
May Session,  
chap. 78.

Mass.  
Archives,  
ccxxviii., 331.

## CHAPTER 84.

RESOLVE DIRECTING THE COMMITTEE FOR SETTLING WITH THE  
ARMY TO COMPLETE THE SETTLEMENT OF THE DEPRECIATION  
OF THE WAGES OF ALL OFFICERS IN ACTIVE SERVICE AS SOON AS  
THEY CONVENIENTLY CAN.

THE COMMITTEE appointed to confer with the Committee of the Army, on the subject of supplies made to the officers of the Army on account of depreciation, report by way of Resolve.

*Resolved*, That the Committee for settling with the Army be, and they hereby are directed, as soon as they conveniently can, to compleat the settlement of the depreciation of the wages of all officers belonging to this State's quota of the Continental Army, who apply, and are now in actual service; and said Committee certify to the honorable Council the ballance that may be respectively due to them, provided said Committee can be furnished with the accounts of the cloathing each of said officers, so supplied, have been furnished with by this State, to January 1780, and any after supplies to be settled for in their next settlement. [*Passed June 19.*]

Legislative  
Records of the  
Council,  
xl., 513.  
Mass.  
Archives,  
ccxxviii., 332.  
Mass.  
Resolves,  
May Session,  
chap. 81.



## CHAPTER 85.

RESOLVES GRANTING £6,000 AND THE RANK OF COLONEL OF ARTILLERY TO LIEUT. COL. LE MAIRE FOR SUPERINTENDING THE MAKING OF GUN CARRIAGES SIMILAR TO THOSE USED ON THE COAST OF FRANCE AND INSTRUCTING OUR ARTIFICERS IN FORMING THE SAME, BY WHICH SO GREAT A NUMBER OF MEN OR CANNON WILL NOT BE REQUISITE.

Legislative  
Records of the  
Council,  
xl., 509.  
Mass.  
Archives,  
ccxxviii., 336.  
Mass.  
Resolves,  
May Session,  
chap. 84.

Mass.  
Archives,  
ccxxviii., 337.

WHEREAS Monsieur Le Maire, Lieutenant-Colonel of Dragoons, generously offered his service, and has been employed for some time past in instructing our Artificers in forming a gun carriage, of a new construction, similar to those which are improved upon the coast of France, and which, it appears to this Court, may be used in our fortresses to great advantage, as so great a number of men or cannon for their defence, will not be requisite, as the carriages that have been heretofore used renders necessary: Therefore

*Resolved*, That the sum of Six Thousand Pounds be paid out of the public treasury of this State, to Monsieur Le Maire, Lieutenant-Colonel [of] Dragoons, in consideration of his time and service, in superintending the making one of these carriages of the new construction, and in instructing our Artificers in forming the same; and the Council is hereby requested to issue their warrant on [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State, in his favour for the sum beforementioned. And be it further

*Resolved*, That the said Monsieur Le Maire shall have the rank of a Colonel of the Artillery in this State, and the Council are desired to commission him accordingly. [*Passed June 20.*]

## CHAPTER 86.

RESOLVE MAKING A NEW ESTABLISHMENT FOR THE 600 MEN DOING DUTY UNDER GEN. WADSWORTH IN THE EASTERN PARTS OF THIS STATE.

Legislative  
Records of the  
Council,  
xl., 514.  
Mass.  
Archives,  
ccxxviii., 339.  
Mass.  
Resolves,  
May Session,  
chap. 87.

Mass.  
Archives,  
ccxxviii., 340.  
*Ante*, p. 397,  
chap. 863.

WHEREAS the establishment for the Six Hundred men which were ordered by a Resolve of the General Court of the 25th of March last to be raised in the counties of York, Cumberland and Lincoln, to do duty under the command of Gen. [Peleg]<sup>3</sup> Wadsworth, in the eastern parts of this State, appears to be inadequate to the service required, and that larger sums for wages has been engaged to the men who have engaged in that service, by the towns or individuals in the counties where they were raised: Therefore

*Resolved*, That the men in said counties raised in consequence of said Resolve, and now doing duty under the command of Gen. Wadsworth, shall, in lieu of said establishment, be paid forty Shillings a month, in gold or silver, or Continental money equivalent; and the towns or individuals who have engaged said men to pay that sum, shall avail themselves of their wages according to their agreement they made at the time of their engagement. [*Passed June 20.*]

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> This date is same in Massachusetts Resolves, but June 17 according to Legislative Records of the Council.

<sup>3</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xvi., 381.



## CHAPTER 87.

RESOLVE DIRECTING THE OVERSEERS OF THE POOR OF NEEDHAM TO TAKE CARE OF ELIZABETH ENGLISH AND HER FOUR SMALL CHILDREN UNTIL THEY MAY BE DISPOSED OF ACCORDING TO LAW, HER HUSBAND JOHN ENGLISH, A NATIVE OF GREAT BRITAIN, HAVING SERVED THE UNITED STATES FROM APRIL, 1775, UNTIL HIS DEATH, TAKING CARE THAT THOSE WHO ARE ABLE TO LABOR ARE CONSTANTLY EMPLOYED.

ON THE PETITION of Elizabeth English, setting forth, that she married one John English, a native of Great-Britain; that the said John, her late husband, enlisted into the service of the United States in April 1775, and continued in said service until his death; that she is left destitute of any assistance in the support of herself and four small children:

*Resolved*, That the Overseers of the Poor of the town of Needham take care of the above named Elizabeth and family, for the present, and until the said Elizabeth and family may be disposed of according to law; and that they exhibit an account of their expences therein to the General Court, for their allowance at the next session thereof, the said Overseers of the Poor taking care in the mean time that those of the said family capable of labour are constantly employed. [*Passed June 20.*]

Legislative  
Records of the  
Council,  
xl., 514.  
Mass.  
Archives,  
ccxxviii., 342.  
Mass.  
Resolves,  
May Session,  
chap. 86.

Mass.  
Archives,  
ccxxviii., 343.

## CHAPTER 88.

RESOLVE PERMITTING JOSIAH PORTER TO GO TO YARMOUTH, N. S., CARRYING GRAIN, RUM, TOBACCO, CIDER AND PROVISIONS AND RETURN TO THIS STATE WITH HIS EFFECTS.

ON THE PETITION of Josiah Porter, praying for leave to export certain articles to Yarmouth, in the State [*sic*] of Nova-Scotia; and also for liberty to return back into this State with his effects, for reasons set forth in said petition:

*Resolved*, That the prayer of said petition be so far granted, that said Josiah Porter be permitted to return to Yarmouth, in the Province of Nova-Scotia; and that he have leave to carry with him six bushels of grain, six gallons of rum, two hundred pounds weight of tobacco, one barrel of cyder, and such a quantity of provisions as may be necessary to subsist him on his passage thither; and that the said petitioner have liberty to return into this State with all his effects. And all ships of war and other vessels, belonging to this State, are directed, and all Continental vessels are desired not to hinder or molest the said Porter on his passing and repassing, as aforesaid. [*Passed June 20.*]

Legislative  
Records of the  
Council,  
xl., 514.  
Mass.  
Archives,  
ccxxviii., 345.  
Mass.  
Resolves,  
May Session,  
chap. 85.

Mass.  
Archives,  
ccxxviii., 346.

## CHAPTER 89.

RESOLVE GRANTING £240 TO OBADIAH WOODBURY, A SOLDIER IN CAPT. ENOCH PUTNAM'S COMPANY IN COL. HUTCHINSON'S REGIMENT IN 1776, OMITTED FROM THE PAY ROLL FOR SIX MONTHS AS BY CERTIFICATE OF HIS COLONEL.

ON THE PETITION of Obadiah Woodbury, a soldier in Capt. Enoch Putnam's company, in Col. Israel Hutchinson's regiment, in the year 1776, shewing that thro' some mistake he was omitted and not made up in the pay roll of said company; for which reason he has not been able to draw any wages for the last six months

Legislative  
Records of the  
Council,  
xl., 515.  
Mass.  
Resolves,  
May Session,  
chap. 92.



he was in the service, as by a certificate from Col. Hutchinson, which accompanies this petition,<sup>1</sup> and the pay rolls of said company may more fully appear:

*Resolved*, That there be paid out of the public treasury of this State, to the petitioner, the sum of Two Hundred and forty Pounds, in full compensation for his service as aforesaid. [*Passed June 21.*]

## CHAPTER 90.

RESOLVES DIRECTING THE COMMITTEE TO PURCHASE AND TRANSPORT FORAGE, ETC., TO HIRE WAGONS, PROVIDE HARNESSSES, IMPRESS TEAMS, DRIVERS, WAGONS; PURCHASE AND FORWARD BEEF; APPOINT PURCHASERS OF BEEF IN HAMPSHIRE AND BERKSHIRE COUNTIES AND ESTIMATORS OF BEEF TO ACT WITH THE CONTINENTAL OFFICERS AND APPOINTING THE PURCHASERS OF BEEF IN MIDDLESEX, WORCESTER AND THE OTHER COUNTIES.

Legislative  
Records of the  
Council,  
xl., 515.  
Mass.  
Archives,  
ccxxviii., 355.  
Mass.  
Resolves,  
May Session,  
chap. 91.

Mass.  
Archives,  
ccxxviii., 350,  
351.  
*Ante*, p. 559,  
chap. 82.

*Resolved*, That Samuel Osgood, Esq., Elijah Hunt, Esq., and Oliver Phelps, Esq., the Committee appointed to superintend the purchase and transportation of forage, and for other purposes, be impowered (in those instances where the same shall in their judgment be expedient) to hire good and serviceable waggons, that is to say, one waggon to every four horses or oxen, which may be so hired, for the use of the Army, and said committee are directed to provide necessary harness for such hired waggons, and to take care that the same be loaded with some of those articles, to be transported to such places as the Commissary-General or Quarter-Master-General shall direct: And said Committee hereby are empowered (in all cases where the same shall in their judgment be necessary) to impress teams, drivers and waggons, for the purpose of transporting such articles as are necessary, in such ways as they shall judge requisite for the public service:

*Resolved*, That the before-mentioned Committee be, and hereby are empowered and directed, to superintend the purchase and forwarding beef in and from all the counties of this State, any Resolve of this Court to the contrary notwithstanding, and that they have herein all the power and authority which said Committee are invested with in the purchase and transportation of forage, excepting only the taking the same by impress, and appointing the purchasers thereof, in such cases where they are appointed by the State; that said Committee appoint such and so many purchasers in the counties of Hampshire and Berkshire, as to them shall appear necessary: That Joseph Baker, Esq., be, and he hereby is appointed a Commissary for the purpose of purchasing and forwarding beef in and from the counties of Middlesex and Worcester; and that Mr. Joseph Ruggles be, and he hereby is appointed for the same purpose, within all the other counties of this State. And be it further

*Resolved*, That such person or persons as said Committee shall appoint principal purchaser or purchasers within said counties of Hampshire and Berkshire, and the said Baker and Ruggles, shall receive such money as shall be necessary from the Committee aforesaid, to whom they respectively shall be accountable for the expenditure thereof, and shall obey such orders and directions as they from time to time shall receive from said Committee, and shall regularly, and as often as said Committee shall require, transmit a true account of their doings and prospects; and neither of the purchasers aforesaid, nor their agents, shall, on any account,

<sup>1</sup> The petition and certificate are not in the Massachusetts Archives.



be permitted to purchase or interfere within the limits assigned to any other person or persons, and they, severally shall, take effectual measures for forwarding such proportion of the beef required as shall hereafter be allotted by the Committee aforesaid to their respective limits: And the several principal purchasers appointed by this Court and to be appointed by the Committee aforesaid, are hereby respectively empowered to appoint such and so many persons, as to them and each of them shall appear necessary to carry into full execution the duties assigned to them: And the said several principal purchasers are to make monthly returns to said Committee, and oftener if required, of the number and price of cattle purchased by them and by their agents respectively. And be it further

*Resolved*, That the said Committee appoint some proper person to join with such Continental officer as may be appointed on the part of the Continent, to estimate the weight of Beef to be forwarded to the Army, before it goes without the limits of this State; and in case such Continental officer and such agent cannot agree as to the weight of such beef, the said beef shall be estimated by such judicious person as the said Continental officer and agent shall mutually choose and appoint; and if said officer and agent cannot agree in the choice and appointment of such person, in every such case, the selectmen of the town where the said Continental officer and agent shall be estimating any drove of cattle, be, and hereby are directed (at the request of the said agent) to appoint some judicious person to estimate the weight of said cattle, under oath; and with each drove, so forwarded, said Committee shall cause to be transmitted, such estimate to the Commissary-General of purchasers of the United States, and shall also transmit to the Council of this State, the number of cattle and weight of beef forwarded as aforesaid; and said agent shall take duplicate receipts of the number of cattle forwarded in each drove, and the weight at which the same shall be so estimated, one whereof is to be delivered to the principal within whose district the drove was purchased, and the other lodged with said Committee: And the honorable Council of this State are hereby empowered and requested to issue their warrants on [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State in favour of the Committee aforesaid, or their order, for such sums of money or certificates as they shall judge necessary to enable said Committee to execute the business to which they are appointed. [*Passed June 21.*]

## CHAPTER 91.

RESOLVE ABATING THE TOWN OF HANCOCK ONE-THIRD OF THE TAXES SET ON IT SINCE THE LAST VALUATION, AND DIRECTING THE TREASURER TO CREDIT IT ACCORDINGLY AS IT WAS SET TOO HIGH IN SAID LAST VALUATION.

ON THE PETITION of the inhabitants of the town of Hancock, setting forth the many inconveniences they labour under by reason of their lands being new and uncultivated, and that said town was set much higher in the last valuation, in proportion to its value, than other towns in the vicinity: And whereas it appearing to this Court that said town of Hancock was set much too high in the last valuation: Therefore

*Resolved*, That the town of Hancock be, and hereby is abated, the amount of one third part of the taxes set on said town since

Legislative  
Records of the  
Council,  
xl., 517.  
Mass.  
Archives,  
cexxviii., 363.  
Mass.  
Resolves,  
May Session,  
chap. 94.

Mass.  
Archives,  
cexxviii., 364.

<sup>1</sup> *Ante*, p. 337, chap. 734.



the last valuation took place, and [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be, and he hereby is directed, to credit said town of Hancock accordingly, for reasons set forth in said petition. [*Passed June 21.*]

## CHAPTER 92.

RESOLVES EMPOWERING RAYMOND DE GUISCARD BOE, ESQ., A GENTLEMAN FROM FRANCE, TO ENLIST A COMPANY OF SIXTY MEN TO SERVE DURING THE WAR, TO HAVE THE SAME BOUNTY, PAY AND RATIONS AS THE CONTINENTAL BATTALIONS.

Legislative  
Records of the  
Council,  
xl., 517.  
Mass.  
Archives,  
ccxxviii., 367.  
Mass.  
Resolves,  
May Session,  
chap. 89.

Mass.  
Archives,  
ccxxviii., 369.

WHEREAS Raymond de Guiscard Boé, Esq., a gentleman from France, lately in the service of this State, has, by his memorial, signified to this Court his desire to enter again into said service, or the service of the United States: Therefore

*Resolved*, That Raymond de Guiscard Boé, Esq., have liberty, and hereby is empowered, to enlist a company of sixty able-bodied effective men, to serve during the present war between the States and Great-Britain, and both officers and soldiers to have the same bounty, pay and rations, as is given by this State to the men that are in the Continental battalions, being first mustered by a proper Muster-Master, taking the oath of allegiance to this State, and ready to go upon duty where the honorable Council shall order; and the said Council are hereby empowered and desired, in case the said Raymond de Guiscard [Boé] shall enlist thirty men, qualified as aforesaid, to commissionate him Captain over said company, and to appoint and commission a suitable number of persons for subaltern officers, and said company shall at all times, while in the pay of this State or the United States, be liable to do duty where the Council of this State, or the Commander of the Continental Army, shall order. And it is further

*Resolved*, That in case the said de Guiscard Boé, Esq., should not procure the said thirty men as aforesaid, the men by him enlisted shall be turned over to some other officer in the service of this or the United States. [*Passed June 21.*]

## CHAPTER 93.

RESOLVE DECLARING THE TOWN MEETING AT MARBLEHEAD, FEBRUARY 4<sup>TH</sup> LAST, LEGAL AND ITS VOTES AND DOINGS GOOD AND VALID, AND THAT THE RESOLVE RESPECTING THE SAME OF MAY 2<sup>D</sup> LAST WAS IN CONSEQUENCE OF MISREPRESENTATION AND IS HEREBY REPEALED.

Legislative  
Records of the  
Council,  
xl., 518.  
Mass.  
Archives,  
ccxxviii., 371.  
Mass.  
Resolves,  
May Session,  
chap. 88.

Mass.  
Archives,  
ccxxviii.,  
372, 373.  
*Ante*, p. 473,  
chap. 1053.

ON THE PETITION of the inhabitants of the town of Marblehead, praying for the repeal of a Resolve of the General Court passed the 2d day of May last, declaring that the town-meeting held at Marblehead on the 4th day of February last, was illegal, and the votes and doings of the said town, at the said meeting, were null and void:

*Resolved*, That the town-meeting referred to in the said Resolve was a legal town-meeting, and the votes and doings of the said town at the said meeting are good and valid; and the Resolution of the General Court, passed the 2d day of May last, respecting the votes and orders of the said town, relative to their taxes, was in consequence of misrepresentation, and therefore is hereby repealed and made null and void. [*Passed June 21.*]

<sup>1</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 94.

RESOLVE GRANTING £5,000 TO JOHN AVERY, ESQ., DEPUTY SECRETARY OF THIS STATE, IN FULL FOR HIS SERVICES TO JULY 1ST NEXT ENSUING.

Legislative  
Records of the  
Council,  
xl., 519.  
Mass.

Archives,  
ccxxviii., 361.  
Mass.

Resolves,  
May Session,  
chap. 90.

Mass.  
Archives,  
ccxxviii., 362.

ON THE MEMORIAL of John Avery, Esq., Deputy-Secretary of this State:

*Resolved*, That there be paid out of the public treasury of this State, to John Avery, Esq., Deputy Secretary of this State, Five Thousand Pounds, in full for services in said office to July 1st, next ensuing. [*Passed June 21.*]

## CHAPTER 95.

RESOLVE APPOINTING SIMEON PARSONS COMMISSIONER TO COLLECT MONEY IN HAMPSHIRE COUNTY IN THE ROOM OF ELIJAH HUNT, ESQ.

Legislative  
Records of the  
Council,  
xl., 519.  
Mass.

Archives,  
ccxxviii., 375.  
Mass.

Resolves,  
May Session,  
chap. 106.

*Ante*, p. 544,  
chap. 57; p. 562,  
chap. 90.

*Resolved*, That Mr. Simeon Parsons be, and he hereby is appointed a Commissioner in the county of Hampshire, for the purpose of collecting money, in the room of Elijah Hunt, Esq., who has been appointed one of the Committee for superintending the purchase of grain and beef. [*Passed June 22.*]

## CHAPTER 96.

RESOLVE EXPLAINING A RESOLUTION OF THE 19TH INSTANT DIRECTING THE COMMITTEE FOR SETTLING WITH THE ARMY TO COMPLETE THE SETTLEMENT OF THE DEPRECIATION OF THE WAGES OF OFFICERS IN ACTUAL SERVICE AS SOON AS THEY CONVENIENTLY CAN.

WHEREAS the Resolution passed this House the 19th inst. directing the Committee for settling with the Army, to compleat the settlement of any officers accounts, is not sufficiently explicit for a direction to said Committee: Therefore

Legislative  
Records of the  
Council,  
xl., 519.  
Mass.

Archives,  
ccxxviii., 376.  
Mass.

Resolves,  
May Session,  
chap. 107.

*Ante*, p. 559,  
chap. 84.

*Resolved*, That the Committee for settling with the Army be, and they are hereby directed, as soon as they conveniently can, to compleat the settlement of the depreciation of wages of any officer belonging to this State's quota of the Continental Army, who may apply, and are now or shall be at the time of such application, in actual service; and said Committee are to certify to the honorable Council the balance that may be due to such officer, and any advances in cloathing or otherways, which may have been made to such officer, either by the Continent or this State, shall be charged to such officer, and deducted from their respective balances, in the next settlement, with the interest thereon.

Provided nevertheless, said officers shall be charged in the present settlement with their proportion of the small stores, and any moieties or gratuities they have received in money or notes from this State. [*Passed June 22.*]



## CHAPTER 97.

RESOLVE RELEASING DAVID BRUCE OF EAST SUDBURY FROM GAOL IN MIDDLESEX COUNTY ON CONDITION THAT HE PAYS HIS FINE OF £400, COSTS, GAOLER'S FEES AND ENTERS THE CONTINENTAL ARMY.

Legislative  
Records of the  
Council,  
xl., 520.  
Mass.  
Archives,  
ccxxviii., 378.  
Mass.  
Resolves,  
May Session,  
chap. 102.

ON THE PETITION of Richard Heard, in behalf of East-Sudbury, sitting forth, that one David Bruce of the same town is confined in gaol in the county of Middlesex, under sentence of the Superior Court of Judicature, &c. to pay a fine of Four Hundred Pounds, cost of prosecution, and suffer three months imprisonment, only fifteen days of which is still remaining to be suffered, and that the said David Bruce is desirous to enter the Continental Army:

Mass.  
Archives,  
ccxxviii., 379-  
381.

*Resolved*, That the remainder of the said imprisonment be released, and the Sheriff of the county of Middlesex be, and he hereby is directed to liberate the said David Bruce from his said imprisonment, he paying the said sum of Four Hundred Pounds, the cost of prosecution, and gaoler's fees, and entering into the Continental Army, in behalf of said East-Sudbury. [*Passed June 22.*]

## CHAPTER 98.

RESOLVE DIRECTING THE SELECTMEN OF BRIDGEWATER TO PROCURE 118 SHIRTS, PAIRS OF SHOES AND STOCKINGS AGREEABLE TO A RESOLVE OF APRIL 21<sup>ST</sup> LAST, THE ERROR IN THE PRINTED COPY THEREOF NOTWITHSTANDING.

Legislative  
Records of the  
Council,  
xl., 520.  
Mass.  
Archives,  
ccxxviii., 382.  
Mass.  
Resolves,  
May Session,  
chap. 96.

WHEREAS by a resolve of the 21<sup>st</sup> April last, One Hundred and eighteen shirts and pairs of shoes and stockings were required from the town of Bridgewater, but by an error of the press, only eighteen were set against that town in the printed copy of the Resolve aforesaid: Therefore

*Ante*, p. 445,  
chap. 984.

*Resolved*, That the selectmen of Bridgewater be, and hereby are directed, to procure One Hundred and eighteen shirts and pairs of shoes and stockings, agreeably to the original Resolve aforesaid, the error in the printed copy thereof notwithstanding. [*Passed June 22.*]

## CHAPTER 99.

RESOLVE REMITTING A FINE OF £3,000 LAID ON THE TOWN OF WELFLEET FOR DEFICIENCY OF MEN REQUIRED BY RESOLVE OF JUNE 9<sup>TH</sup> LAST.

Legislative  
Records of the  
Council,  
xl., 520.  
Mass.  
Archives,  
ccxxviii., 383.  
Mass.  
Resolves,  
May Session,  
chap. 93.

WHEREAS by the tax-act which passed the last sessions of the General Court, a fine of Three Thousand Pounds was laid on the town of Welfleet, for not furnishing their full quota of men, agreeable to a Resolve of the General Court, passed June 9, 1780, and it appearing to this Court that the distressed circumstances of that town, occasioned by the war, and not any unwillingness of the inhabitants to do their duty, was the occasion of their deficiency: Therefore

*Ante*, p. 44,  
chap. 75.

*Resolved*, The said town of Welfleet be, and they are hereby remitted the said fine of Three Thousand Pounds; and the assessors of said town are hereby directed not to assess the same on the polls and estates of the said town, and [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be and hereby is directed not to issue

<sup>1</sup> *Ante*, p. 337, chap. 734.



his warrants against the constable or constables of said town, for the said fine of Three Thousand Pounds, but that he discharge the said town therefrom, any law, usage or custom to the contrary notwithstanding. [*Passed June 22.*]

## CHAPTER 100.

RESOLVE ESTABLISHING THE PAY OF MEMBERS OF THE HOUSE AT £18 PER DAY AND OF THE COUNCIL AT £21 PER DAY.

Legislative  
Records of the  
Council,  
xl., 521.  
Mass.  
Archives,  
ccxxviii., 384.  
Mass.  
Resolves,  
May Session,  
chap. 95.

*Resolved*, That there be allowed to the members of the House for their attendance the present session eighteen Pounds per day, and to the members of the Honorable Board twenty-one Pounds per day, and that the pay rolls be made up accordingly. [*Passed June 22.*]

## CHAPTER 101.

RESOLVE GRANTING £370. 4s. 9d. TO ISRAEL WASHBURN IN CONSIDERATION OF THE SUFFERINGS OF HIS SON NEHEMIAH, WHO WAS SORELY WOUNDED AT RHODE ISLAND AUG. 29<sup>TH</sup>, 1778, AND THE GREAT COST AND CHARGE INCURRED BY HIM THE SAID ISRAEL WASHBURN.

ON THE PETITION of Israel Washburn, representing that his son, Nehemiah Washburn, was sorely wounded in the battle on Rhode-Island, upon the 29th of August, 1778, and the great cost and charge that has arisen to him, the said Israel Washburn:

Legislative  
Records of the  
Council,  
xl., 521.  
Mass.  
Resolves,  
May Session,  
chap. 98.

*Resolved*, That there be allowed and paid to Israel Washburn, out of the public treasury of this State, the sum of Three Hundred and seventy Pounds four Shillings and nine Pence, on consideration of his son's sufferings, and of the great cost and charge incurred by him, the said Israel Washburn, in consequence thereof. [*Passed June 22.*]

## CHAPTER 102.

RESOLVE DIRECTING THE COMMITTEE TO SUPERINTEND PURCHASE OF FORAGE AND PROVISIONS TO ORDER THE COMMISSARIES OF PURCHASES TO FURNISH MOSES CHURCH, COMMISSARY OF ISSUES AT SPRINGFIELD, WITH FLOUR AND MEAT UNTIL THE COMMISSARY GENERAL SHALL MAKE OTHER PROVISION.

ON THE LETTER from Moses Church, Acting Commissary of Issues at Springfield, representing the state of his stores, and the necessity of some speedy supplies:

*Resolved*, That the Committee appointed to superintend the purchase of forage and provisions be, and they are hereby directed to order the Commissaries of Purchases within this State, to furnish the said Church with such quantity of flour and meat as he shall stand in need of, as soon as possible, and that such supplies be continued until the Commissary General shall make other provision. [*Passed June 22.*]

Legislative  
Records of the  
Council,  
xl., 521.  
Mass.  
Archives,  
ccxxviii., 385.  
Mass.  
Resolves,  
May Session,  
chap. 104.



## CHAPTER 103.

RESOLVES FOR RAISING 4,726 THREE MONTHS' MEN FOR RE-ENFORCING THE CONTINENTAL ARMY TO BE FORMED INTO ONE BRIGADE UNDER GEN. FELLOWS AND MAKING AN ESTABLISHMENT FOR THEM.

Legislative  
Records of the  
Council,  
xl., 521.  
Mass.  
Archives,  
ccxxviii., 386,  
387.  
Mass.  
Resolves,  
May Session,  
chap. 99.

WHEREAS [Gen. Washington]<sup>1</sup> the Commander in Chief of the Continental Army has earnestly requested a detachment of Four Thousand seven Hundred and twenty-six of the militia of this State, in addition to the number for filling up our battalions, to reinforce the said Army for three months, unless sooner discharged, to co-operate with our Allies in the great designs of the present campaign, which cannot be accomplished without the exertions of this State: Therefore

*Resolved*, That there be immediately Four Thousand seven Hundred and twenty-six men raised or detached from the militia within the several towns and plantations in this State, hereafter-mentioned, by draft, lot, or voluntary inlistment; each town and plantation to furnish their quota agreeable to the schedule herewith annexed, to be formed into regiments, properly officered: And for the more effectually carrying this Resolve into execution, the Brigadier or Commanding Officer of each brigade within this State, shall immediately, on receipt hereof, issue his orders to the Colonel or Commanding Officer of each regiment in his brigade, to cause the several companies in their respective regiments to be called together forthwith, and a number of men, equal to the number as assigned to each town and plantation in his brigade in the following list, to be immediately raised as aforesaid, to serve for the term of three months, from the time they shall respectively appear at Claverack [New York],<sup>2</sup> or such other place as the Commander in Chief shall direct the place of their rendezvous, unless sooner discharged; and cause the men, so procured, to be mustered by either of the field officers of each regiment, and where there are no field officers, by such person as the Brigadier shall appoint. Said drafts to be made from the male inhabitants of each town and plantation, of sixteen years old and upwards, except settled Ministers of the gospel, and the President, Professors, Tutors, Librarian, and Students, of Harvard-College. The returns thereof from the several towns and plantations in the counties of Suffolk, Essex, Middlesex, Plymouth and Bristol, to be made into the Secretary's-office on or before the 10th day of July next. The returns from the several towns and plantations in the counties of Barnstable, Worcester, Hampshire and York, to be made into said office on or before the 15th day of July next. The returns from the several towns and plantations in the county of Berkshire, to be made into the said office on or before the 24th day of July next. And it is further

*Resolved*, That if any man shall be drafted, who shall not pass muster, or be of sufficient ability of body to serve in person, he shall nevertheless hire some able-bodied man to serve in his stead, or pay a fine of One Hundred and fifty Pounds, if of ability to pay it, in the judgment of the major part of the selectmen of the town for which he is drafted, to be paid within twenty-four hours next after being so drafted; and in default thereof, the person drafting him shall and may issue a warrant of distress, directed to the clerk of the company, or a constable of the town, requiring him to levy and collect the same by distress and sale of the delinquent's goods

<sup>1</sup> Heitman, Historical Register of Officers of the Continental Army, 1914.

<sup>2</sup> *Ante*, p. 225, chap. 479.



and chattels; and the officers to whom the warrant of distress shall be directed, is to be governed, in the execution thereof, by the rules prescribed by law for collecting public taxes; and any able-bodied man who may be drafted as aforesaid, and duly notified thereof, who shall not, within twenty-four hours after, procure some able-bodied effective man in his room to the acceptance of those who drafted him, or, within twenty-four hours, pay a fine of One Hundred and fifty Pounds, shall be considered as a soldier in the Continental Army for the term of three months, from the time he shall arrive at the place of rendezvous aforesaid, to every intent and purpose, and shall be subject to all the penalties of the law for desertion, in case he does not attend the service required of him by these Resolutions. And in all cases where any man refuses to attend the said service, by keeping out of the way or otherwise, another man shall be drafted, or in some other manner provided, in his room. And in towns or plantations where a company shall be destitute of a Captain or Subaltern, or where they are, and shall neglect or refuse to discharge the duties enjoined by these Resolves, the Selectmen and Committees of Safety, &c. or the major part of them, or where there is but one of those orders, such of them as may be there subsisting, shall have all the powers and authority given by this Resolve to the Commissioned Officers of any company, and subject to the same commands and penalties. And if, by payment of the aforesaid fines and forfeitures through the individuals of any company, a deficiency shall remain as to the said list after application of the said fines and forfeitures for the purpose of hiring men, the Commissioned Officers, Selectmen or Committees, shall proceed to draft over again, having regard to services already done, until their quota be compleated by hiring with fines, or drafting as aforesaid.

*Resolved*, That the Selectmen of the several towns, and Committees of plantations in this State, from whence men may be raised as aforesaid, are required and directed to pay to each man six Shillings per mile to the place of destination, for their support and carrying their packs, and lay their accounts before the Committee on accounts, for allowance and payment.

*Resolved*, That no prisoner or deserter that may be inlisted or detached by any town in this State, shall be considered to exempt such place from filling up their proportion hereafter mentioned.

*Resolved*, That every Brigadier, or the Commanding Officer of a brigade, who shall refuse or neglect to execute and discharge the duties enjoined upon him by these Resolves for drafting the men as is therein expressed, shall be forthwith dismissed from his office of Brigadier or other rank of office by virtue of which he is Commanding Officer of a brigade: And every Commanding Officer of a regiment who shall refuse and neglect to discharge the duties required of him by these Resolves, shall be reported by his superior officer to the General Court: And all Commissioned Officers in the counties of Suffolk, Essex, Middlesex, Plymouth and Bristol, neglecting or disobeying the commands of their superior officers for drafting the men as aforesaid, for each man so deficient in the company to which they belong, on the 10th day of July next, shall severally forfeit and pay the sum of Three Hundred Pounds: And all Commissioned Officers in the counties of Worcester, Hampshire, Barnstable, Berkshire and York, neglecting or disobeying as aforesaid, for each man so deficient in the companies to which they respectively belong, on the 21st day of July next, shall severally forfeit and pay the sum of Three Hundred Pounds: And the Selectmen jointly, Committees of safety jointly, Constables, or Clerks of companies, neglecting the duties required of them by these



Resolves, respecting the drafting and prosecution as aforesaid, according to the time set for the several counties, shall individually be liable to the same rate of fines and forfeitures as the Commissioned Officers last mentioned. The said fines and forfeitures shall be prosecuted for by the Muster-Master of the county where they were incurred, who shall be accountable to this State for, and pay into the treasury thereof, two thirds of the same, in a reasonable time, the other third to enure to him, in consideration of his performing said service. And [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State is hereby empowered and directed, in case of any neglect in the Muster-Master, to sue for and recover the same of said Muster-Master.

*Resolved*, That where any deficiency shall remain in the quotas by these Resolves assigned to any or either of the towns and plantations in the counties of Suffolk, Essex, Middlesex, Plymouth and Bristol, on the 10th day of July next, or in the quotas of any or either of the towns or plantations in the counties of Barnstable, Worcester, Hampshire, Berkshire and York, on the 21st day of July next, those deficient towns and plantations shall severally incur such penalty as the General Court shall hereafter determine, for the use of this State, for every man they shall be deficient as aforesaid, which shall be added to the next State tax of such town or plantation.

*Resolved*, That every person procured as aforesaid, for the term of three months, shall supply himself with a good firelock, bayonet, cartouch-box, haversack, and blanket, and shall, at the expiration of the time of his service, if he produce a certificate from his Captain or other Commanding Officer of his company, that he hath been constantly provided therewith at his own expence, receive, for the use of his firelock, bayonet and cartouch-box, five Pounds, and for the use of his blanket, fifteen Pounds, and in like proportion for any or either of them.

*Resolved*, That the men who shall be enlisted or drafted from the militia of the several towns in this State, by force of the foregoing Resolves, shall be held and returned for the towns whereof they are inhabitants, and no other; and all contracts or agreements made with any person to serve for any other town than that whereof he is an inhabitant, shall be null and void.

#### THE SCHEDULE.

<i>County of Suffolk.</i>		<i>County of Essex.</i>		<i>County of Middlesex.</i>	
Boston . . .	162	Salem . . .	74	Cambridge . . .	30
Roxbury . . .	27	Danvers . . .	36	Charlestown . . .	7
Dorchester . . .	25	Ipswich . . .	60	Watertown . . .	16
Milton . . .	17	Newbury . . .	53	Woburn . . .	29
Braintree . . .	43	Newbury-Port . . .	59	Concord . . .	19
Weymouth . . .	24	Marblehead . . .	29	Carlisle . . .	9
Hingham . . .	39	Lynn . . .	37	Reading . . .	28
Dedham . . .	38	Andover . . .	40	Newton . . .	23
Medfield . . .	13	Salisbury . . .	28	Marlborough . . .	25
Walpole . . .	16	Haverhill . . .	34	Billerica . . .	19
Wrentham . . .	26	Gloucester . . .	38	Frammingham . . .	24
Franklin . . .	12	Topsfield . . .	13	Lexington . . .	13
Brookline . . .	7	Boxford . . .	17	Chelmsford . . .	17
Needham . . .	20	Almsbury . . .	28	Sherborne . . .	13
Stoughton . . .	36	Beverly . . .	37	Sudbury and East-	
Stoughtonham . . .	15	Bradford . . .	19	Sudbury . . .	34
Foxborough . . .	8	Wenham . . .	7	Malden . . .	16
Medway . . .	16	Middleton . . .	11	Weston . . .	15
Bellingham . . .	10	Manchester . . .	8	Medford . . .	15
Hull . . .	3	Rowley . . .	29	Littleton . . .	13
Chelsea . . .	7	Methuen . . .	20	Stow . . .	13
Cohasset . . .	11			Groton . . .	26
	575		677	Shirley . . .	11
				Pepperell . . .	16

<sup>1</sup> *Ante*, p. 337, chap. 734.



<i>County of Middlesex—</i>		<i>County of Plymouth—Con.</i>		<i>County of Worcester—Con.</i>	
Con.					
Townsend . . . . .	13	Marshfield . . . . .	22	Petersham . . . . .	20
Waltham . . . . .	14	Bridgewater . . . . .	82	Royalston . . . . .	11
Ashby . . . . .	7	Middleborough . . . . .	66	Westminster . . . . .	17
Westford . . . . .	17	Rochester . . . . .	38	Athol . . . . .	14
Stoneham . . . . .	6	Plympton . . . . .	26	Templeton . . . . .	16
Hopkinton . . . . .	17	Pembroke . . . . .	31	Princeton . . . . .	11
Natick . . . . .	8	Kingston . . . . .	16	Ashburnham . . . . .	8
Dracut . . . . .	15	Hanover . . . . .	18	Winchendon . . . . .	10
Bedford . . . . .	8	Abington . . . . .	24	Northbridge . . . . .	7
Holliston . . . . .	15	Halifax . . . . .	11	Fitchburgh . . . . .	12
Tukesbury . . . . .	15	Wareham . . . . .	11	Ward . . . . .	6
Acton . . . . .	11				
Dunstable . . . . .	13		441		766
Lincoln . . . . .	12	<i>County of Bristol.</i>		<i>County of York.</i>	
Wilmington . . . . .	14	Taunton . . . . .	53	York . . . . .	8
	616	Rehoboth . . . . .	60	Kittery . . . . .	10
<i>County of Hampshire.</i>		Swansey . . . . .	36	Wells . . . . .	8
Springfield . . . . .	29	Dartmouth . . . . .	85	Berwick . . . . .	10
Wilbraham . . . . .	20	Norton . . . . .	22	Arundel . . . . .	5
Northampton . . . . .	26	Mansfield . . . . .	16	Biddeford . . . . .	4
Southampton . . . . .	16	Attleborough . . . . .	35	Massabeseck . . . . .	1
Hadley . . . . .	16	Dighton . . . . .	21	Pepperellborough . . . . .	4
South-Hadley . . . . .	11	Freetown . . . . .	26	Lebanon . . . . .	1
Amherst . . . . .	18	Rainham . . . . .	16	Fryeburgh . . . . .	2
Granby . . . . .	8	Easton . . . . .	19	Sandford . . . . .	2
Hatfield . . . . .	13	Berkley . . . . .	12	Brownfield . . . . .	1
Whately . . . . .	8		401	Buxton . . . . .	2
Williamsburgh . . . . .	8			Littlefalls . . . . .	1
Westfield . . . . .	23	<i>County of Barnstable.</i>		Coxhall . . . . .	1
Deerfield . . . . .	16	Barnstable . . . . .	29		60
Greenfield . . . . .	13	Sandwich . . . . .	43	<i>County of Berkshire.</i>	
Shelburne . . . . .	13	Yarmouth . . . . .	37	Stockbridge . . . . .	16
Montague . . . . .	11	Eastham . . . . .	26	Sandisfield . . . . .	17
Conway . . . . .	16	Harwich . . . . .	29	New-Marlborough . . . . .	18
Northfield . . . . .	13	Wellfleet . . . . .	9	Sheffield and Mount-	
Sunderland . . . . .	8	Chatham . . . . .	13	Washington . . . . .	28
Brimfield . . . . .	16	Truro . . . . .	13	Lanesborough . . . . .	22
South-Brimfield . . . . .	13	Falmouth . . . . .	24	Richmond . . . . .	18
Monson . . . . .	13		223	Hancock . . . . .	14
Pelham . . . . .	14			Williamston . . . . .	17
Greenwich . . . . .	16	<i>County of Worcester.</i>		Great-Barrington . . . . .	14
Blandford . . . . .	14	Worcester . . . . .	28	New-Ashford . . . . .	4
Leverett . . . . .	5	Lancaster . . . . .	48	Egremont . . . . .	10
Palmer . . . . .	12	Mendon and Milford . . . . .	35	Alford . . . . .	5
Granville . . . . .	20	Brookfield . . . . .	42	Tyringham . . . . .	14
New-Salem . . . . .	17	Oxford . . . . .	16	Windsor . . . . .	11
Belchertown . . . . .	18	Charleton . . . . .	24	Loudon . . . . .	4
Colerain . . . . .	10	Sutton . . . . .	42	Lenox . . . . .	16
Ware . . . . .	11	Leicester . . . . .	17	Becket . . . . .	7
Warwick . . . . .	12	Spencer . . . . .	19	Pittsfield . . . . .	18
Bernardstown . . . . .	11	Paxton . . . . .	10	Partridgefield . . . . .	7
Murrayfield . . . . .	8	Rutland . . . . .	16	Washington . . . . .	6
Charlemont . . . . .	8	Oakham . . . . .	10	Adams . . . . .	22
Buckland . . . . .	2	Barre . . . . .	22	Lee . . . . .	10
Ashfield . . . . .	14	Hubbardston . . . . .	8	Ashawelet Equiva-	
Chesterfield-Gore . . . . .	2	New-Braintree . . . . .	13	lent . . . . .	5
Worthington . . . . .	11	Southborough . . . . .	12	No. 7 . . . . .	4
Shutesbury & Erving-		Westborough . . . . .	14	West-Stockbridge . . . . .	8
shire . . . . .	11	Northborough . . . . .	8		
Chesterfield . . . . .	17	Shrewsbury . . . . .	25		315
Southwick . . . . .	7	Lunenburg . . . . .	18		
West-Springfield . . . . .	29	Uxbridge . . . . .	19	Suffolk . . . . .	575
Ludlow . . . . .	7	Harvard . . . . .	20	Essex . . . . .	677
Norwich . . . . .	5	Dudley . . . . .	17	Middlesex . . . . .	616
Cummington . . . . .	5	Bolton . . . . .	19	Hampshire . . . . .	620
Myrfield . . . . .	5	Upton . . . . .	13	Plymouth . . . . .	441
No. 7 . . . . .	2	Sturbridge . . . . .	23	Bristol . . . . .	401
West-Hampton . . . . .	5	Leominster . . . . .	16	Barnstable . . . . .	223
	626	Hardwick . . . . .	25	Worcester . . . . .	766
<i>County of Plymouth.</i>		Holden . . . . .	12	York . . . . .	60
Plymouth . . . . .	28	Western . . . . .	16	Berkshire . . . . .	315
Scituate . . . . .	46	Douglass . . . . .	16		4,726
Duxborough . . . . .	22	Grafton . . . . .	10		

*Resolved,* That the officers detached to do duty as aforesaid, shall be allowed and paid the same pay and rations as officers of equal rank are intitled to in the Continental service; and that



the wages of each soldier, for the service aforesaid, shall be forty Shillings per month, in gold or silver, or Continental bills equivalent thereto.

*Resolved*, That each of the Brigadiers or Commanding-Officers of the counties of Suffolk, Essex, Middlesex, Hampshire, Plymouth, Bristol and Worcester, be, and they hereby are directed, to form the men detached, drafted or inlisted, by the aforesaid Resolves, from each of their brigades, into one regiment, and to detach one Colonel, one Lieutenant-Colonel, and one Major, to command each regiment; and the men raised as aforesaid, from the counties of Barnstable, York and Berkshire, to be formed into one regiment, commanded as aforesaid; and the Commanding-Officer of the county of Barnstable is directed to detach one Lieutenant-Colonel, and the Commanding-Officer of the county of Berkshire one Colonel and one Major, to command said regiment. All the aforesaid regiments to consist of eight companies, officered and accoutered according to the militia law of this State, and marched immediately to the rendezvous aforesaid. And it is further

*Resolved*, That the Brigadiers or Commanding-Officers may detach others than the militia officers who have held commissions of equal rank, where it may be for the good of the service, and agreeable to the militia.

*Resolved*, That the several Muster-Masters in the aforesaid counties be, and hereby are required, to return into the Secretary's-office, on or before the 10th day of August next, under oath, a perfect list of the aforesaid detachments from their respective counties, specifying the name, age, size, complexion, town and company from whence detached, which may be mustered by him, under the penalty of Three Hundred Pounds for each neglect, to be recovered as aforesaid.

And as it may be necessary, in order to procure said men, that the towns advance something further by way of bounty or hire, which, unless refunded by the State, may operate as an unequal tax upon the said towns: To remedy which, it is

*Resolved*, That the Selectmen of the several towns, and Committees of plantations, where the men are raised, shall make a true return of all such hire or bounties that may have been advanced by their respective towns and other places, or by any inhabitant thereof, for the purpose of procuring the men as aforesaid, which return shall be under oath, and accompanied with receipts or certificates from the soldiers so hired, specifying the sum they have respectively received, into the Secretary's-office, by the 1st day of January, 1781; and the whole amount of all such sums as shall be returned with proper vouchers, as aforesaid, that shall appear to have been advanced for men who have been raised and marched, as in these Resolves is directed, from the several towns in the aforesaid counties, shall be granted in addition to the then next State-tax which shall be granted for defraying the expences of government; which whole amount aforesaid shall be divided by the whole numbers of men raised in all the said counties as aforesaid, and the quotient shall be the sum which each town shall be credited in the said tax, for each man it shall appear was raised in it and marched agreeable to the directions of these Resolves. And in case any of the men are procured or hired by individuals of any town, such sum, so advanced by him, shall be refunded by the town he was procured for, in the same proportion.

*Resolved*, That the men to be detached as aforesaid, be formed into one brigade, and that Brig. Gen. John Fellows be, and hereby is appointed to command the same. [*Passed June 22.*]



## CHAPTER 104.

RESOLVES DIRECTING THE BOARD OF WAR TO FIT THE SHIP MARS, SIMEON SAMPSON, ESQ., COMMANDER, FOR SEA AND TO DELIVER HER TO THE COMMITTEE TO SECURE A FOREIGN LOAN WHO ARE DIRECTED TO ORDER HER TO NANTZ OR SOME OTHER PORT IN FRANCE TO BRING HOME SUCH GOODS AS THEY MAY THINK PROPER; TO SEND ADDITIONAL GOODS IN SUCH SHIPS OR VESSELS AS THEY THINK PROPER AND TO WRITE THE HONORABLES JOHN ADAMS AND FRANCIS DANA, ESQUIRES, TO UNDERTAKE THE PROCUREMENT OF SAID FOREIGN LOAN AND THE SHIPPING OF GOODS, PROVIDED JONATHAN LORING AUSTIN, ESQ., HAS NOT ARRIVED IN FRANCE.

WHEREAS the General Assembly of this State did, at their session in January last, appoint Jonathan Loring Austin, Esq., their Agent to procure a loan of money in Europe, and did also empower said Agent to purchase and ship, on account of this government, a quantity of goods, &c. necessary for the army and the supply of the public magazines, agreeable to such instructions and orders as he might receive from a Committee of the General Court appointed and authorized to give him directions accordingly: And whereas the Committee aforesaid have represented to this Court, that Mr. Austin, agreeable to their directions, embarked in a vessel bound for Bilboa, in the kingdom of Spain, in prosecution of his commission aforesaid, and have further represented, that there is reason to suppose Mr. Austin has not arrived at Bilboa aforesaid, in consequence of which some further measures are become necessary to carry the good purposes of the Resolve of January last into execution: Therefore

*Resolved*, That the Board of War be directed, and they are hereby accordingly directed, to fit the ship Mars, Simeon Sampson, Esq., Commander, for sea, as soon as possible, and when so fitted, deliver said ship over to Thomas Cushing, Esq., and others, the Committee of the General Court appointed to manage the business of the foreign loan aforesaid, whose orders, in all matters touching the destination of the ship Mars, Capt. Sampson, or other Commanding-Officer of said ship, are hereby required and directed to obey. And it is further

*Resolved*, That the Committee aforesaid be directed, and they are hereby accordingly directed, to order Capt. Sampson, in the ship Mars, to repair with the utmost dispatch to Nantz, or such other port in the kingdom of France, as they shall judge best, in order to bring into this State such goods as the Committee aforesaid may think proper to order in her; and the Committee aforesaid are hereby empowered and directed to order any other or additional quantities of goods, on account of this State, in such other ships or vessels as they may think proper, taking care in all cases to insure the full value of the goods so shipped, and the premium thereon, any Resolve to the contrary notwithstanding. And it is further

*Resolved*, That the Committee aforesaid be directed to write to the Hon. John Adams and the Hon. Francis Dana, Esquires, earnestly requesting them to undertake the procurement of the loan aforesaid, agreeable to the Resolve of January last, and to ship, or give directions for shipping, such goods as the Committee may think proper, provided Mr. Austin has not arrived in France to transact said business. [*Passed June 22.*]

Legislative  
Records of the  
Council,  
xl., 528.  
Mass.  
Archives,  
cexxviii., 389.  
Mass.  
Resolves,  
May Session,  
chap. 95.

*Ante*, p. 343,  
chap. 749; p.  
454, chap. 1011.



## CHAPTER 105.

RESOLVES CENSURING SMALL PRIVATEERS WHO HAVE COMMITTED ROBBERIES ABOVE HIGH WATER MARK IN NOVA SCOTIA AND PROVIDING BONDS AGAINST SAME WHEN COMMISSIONS ARE GIVEN OUT IN THE FUTURE.

Legislative  
Records of the  
Council,  
xl., 529.  
Mass.  
Archives,  
ccxxviii., 391.  
Mass.  
Resolves,  
May Session,  
chap. 103.

WHEREAS it appears to this Court, that several small privateers have committed many robberies above high water mark, on the inhabitants of Nova-Scotia: Therefore

*Resolved*, That this Court do highly disapprove the conduct of any persons belonging to and commissioned from this State, in the business of privateering, who have committed any such robberies aforesaid; and also

*Resolved*, That when any commissions shall be given out in future to small armed vessels, they give good and sufficient bonds for the purpose of preventing such evils again taking place. [*Passed June 22.*]

## CHAPTER 106.

RESOLVE PERMITTING ALEXANDER McNUTT TO EXPORT TO PORT ROSAWAY, N. S., SIXTY BUSHELS OF GRAIN, ONE HOGSHEAD OF MOLASSES, ONE BARREL OF RUM, ONE LOAF OF SUGAR AND CROCKERY WARE, SUCH AS MILK PANS, PORRINGERS AND BUTTER POTS, FOR THE BENEFIT OF FOURTEEN FAMILIES THERE.

Legislative  
Records of the  
Council,  
xl., 529.  
Mass.  
Archives,  
ccxxviii., 395.  
Mass.  
Resolves,  
May Session,  
chap. 100.

ON THE MEMORIAL of Alexander McNutt, praying leave to carry certain articles to Port-Rosaway, in Nova-Scotia:

*Resolved*, That Alexander McNutt be, and he is hereby permitted to export from this State to Port-Rosaway, in Nova-Scotia, for the benefit of fourteen families resident there, sixty bushels of grain, one hogshead of molasses, one barrel of rum, one loaf of sugar, and several small articles of crockery ware, such as milk pans, porringers and butter pots, for said families. [*Passed June 22.*]

Mass.  
Archives,  
ccxxviii., 392-396.

## CHAPTER 107.

RESOLVE PUTTING JOSHUA BENTLEY OF BOSTON, CLERK OF THE STATE LABORATORY, ON THE SAME ESTABLISHMENT AS TO PAY AND RATIONS AS THE CAPTAIN OF THE FIREWORK.

ON THE PETITION of Joshua Bentley [of Boston],<sup>1</sup> clerk of the [State]<sup>1</sup> laboratory, setting forth, that the sum allowed to him is not adequate to his service:

*Resolved*, That the said Joshua Bentley be put on the same establishment, as to pay and rations, as the Captain of the fire-work of said laboratory is intitled to. [*Passed June 22.*]

Legislative  
Records of the  
Council,  
xl., 529.  
Mass.  
Archives,  
ccxxviii., 399.  
Mass.  
Resolves,  
May Session,  
chap. 97.

Mass.  
Archives,  
ccxxviii., 400.

<sup>1</sup> Massachusetts Archives, ccxxviii., 400.



## CHAPTER 108.

VOTE CHOOSING MAJ. EDWARD FARMER PURCHASER OF HORSES  
IN MIDDLESEX COUNTY IN ROOM OF MR. WILLIAM WAITE.

In the House of Representatives

The House made choice of Maj. Edward Farmer to purchase  
horses in the county of Middlesex, in the room of Mr. [William]<sup>1</sup>  
Waite who declines serving.

In Council

Read and Concurred. [*Passed June 22.*]

Legislative  
Records of the  
Council,  
xl., 529.  
Mass.  
Archives,  
ccxviii., 401.  
Mass.  
Resolves,  
May Session,  
chap. 101.

*Ante*, p. 558,  
chap. 81.

## CHAPTER 109.

RESOLVE ENTITLING JOSEPH WALES TO ADJUTANT'S PAY WHILE  
HE SERVED IN THAT CAPACITY IN COL. JACOBS'S REGIMENT.

ON THE PETITION of Joseph Wales:

*Resolved*, That Joseph Wales is intitled to receive Adjutant's pay  
during the time that he served in said capacity in Col. [John]<sup>2</sup>  
Jacobs's regiment, there being no establishment made for said offi-  
cer notwithstanding. [*Passed June 22.*]

Legislative  
Records of the  
Council,  
xl., 529.  
Mass.  
Archives,  
ccxviii., 402.  
Mass.  
Resolves,  
May Session,  
chap. 108.

Mass.  
Archives,  
ccxviii., 403.

## CHAPTER 110.

RESOLVES FOR RAISING 983 SIX MONTHS' MEN IMMEDIATELY, TO  
FILL UP THE FIFTEEN BATTALIONS.

THE COMMITTEE of both Houses, on the letter from the Com-  
mittee of Congress, of the 12th instant, take leave to make the  
following Report.

WALTER SPOONER per Order

Whereas the troops of the Southern States will now be needed  
for the defence of that quarter, and by reason of the late advan-  
tages obtained by the enemy, we are compelled to call for a  
further supply of men, to fill up our battalions, which Gen. Wash-  
ington has earnestly requested, as well as a detachment of militia,  
to provide effectually for obtaining the great object in contempla-  
tion. By returns from the General it manifestly appears, that  
Five Thousand one Hundred and seventeen men are wanting to  
compleat your battalions to five Hundred and four rank and file;  
and by reiterated applications lately received from his Excellency  
and the Committee of Congress, we are assured, in the most ex-  
plicit terms, that the compleation of this number can, on no con-  
sideration, be dispensed with: And this Court would be unable to  
answer it, in requiring at this time so small a number as is ex-  
pressed in the subsequent Resolve, on any other principle than  
their dependence on the fidelity of every friend to his country, in  
executing the other Resolve herein contained, for hastening to camp  
all recruits, deserters, and soldiers on furlough.

We are not insensible of the burthens of the community; we  
shall chearfully share them in common with our brethren; con-  
sidering the absolute necessity of the present requisition, we dare

Legislative  
Records of the  
Council,  
xl., 530.  
Mass.  
Archives,  
ccxviii., 414-  
421. Mass.  
Resolves,  
May Session,  
chap. 120.

Province  
Laws, v., 1198,  
chap. 48.  
*Ante*, p. 519,  
chap. 11.

<sup>1</sup> *Ante*, p. 558, chap. 81.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xvi., 425.



not forbear it, and surely our countrymen have too much sense, and too much virtue, to indulge such an attachment to their farms and their merchandize, as for the sake of a few months enjoyment of them, at the present crisis, to hazard the loss of them forever.

The demands for men, as well as for supplies, are truly large; but we fear not to discourage you by their largeness, for they are necessary, and they are surely in our power: This is the hour then to prove the sincerity of past professions.

Though we have much to fear from indecision, yet we have every thing to hope from exertion; nothing less, than, at one stroke, to put a period to the war; for we have the fullest assurances of such aid from our illustrious Ally, as was never before on these shores: The hourly expectation of their arrival, and the late success of the enemy at the Southward, will push them, with the greatest precipitancy, to attempt those advantages they may hope to gain from our present situation. We have therefore to repeat it, with the plainest freedom, that the smallest deficiency in the numbers herein required, cannot be dispensed with; and that it is of equal moment that the men be hastened to the place of rendezvous, with a celerity equal to the urgency of the present moment.

*Resolved*, That the several towns and plantations in the counties of Suffolk, Essex, Middlesex, Hampshire, Plymouth, Bristol, Barnstable, Worcester, York, and Berkshire, be, and hereby are required, with the utmost dispatch possible, to supply a number of men equal to one fourth part of the number allotted to them respectively, by a Resolve of this Court of the 5th instant, and that the said men be raised by draft, lot, or voluntary enlistment, as prescribed by said Resolve, and serve for six months, from the time of their arrival at Springfield, unless sooner discharged; and the before-mentioned Resolve of the 5th instant, as it designates the duties of the several Militia Officers therein-named, and also of the Selectmen, Committees of correspondence, of the Superintendants, Commissioner, and of every other Officer and Person therein named, and every other clause and article of said Resolve, respecting wages, fines, forfeitures, and every other matter and thing, shall avail and be observed with respect to the number of men herein called for, as fully and completely as it might and ought to have done with respect to the Three Thousand nine Hundred and thirty-four men therein required, excepting so far only as it names the days when the several returns are to be made; and returns of the men hereby required, similar to those prescribed in the above-mentioned Resolve, are to be made without the smallest delay.

Provided nevertheless, That the above-said men are not required to equip themselves, as is directed by said Resolve. It is further

*Resolved*, That in case where a fraction shall remain, after taking one fourth of the number allotted to any town by the schedule accompanying the said Resolve of the 5th instant, if such fraction amount to three, every town where such fraction shall happen, shall be held to supply a man for the same; and all fines and forfeitures prescribed by the before-mentioned Resolves, shall be incurred for a failure in this instance, as well as in any other.

This requisition is by no means to retard the march of the men required by the Resolution of the 5th instant; but in any case where the men, by that Resolve required, shall not have marched before the receipt hereof, the militia officers and all others concerned, are hereby most SOLEMNLY ENJOINED to dispatch all such IMMEDIATELY, as the smallest delay may be attended with the most serious consequences.

*Resolved*, That all Militia Officers, Selectmen, and Committees of correspondence, &c. be, and they hereby are again required, to pay



strict attention to the directions of the act published in May last, for apprehending and securing deserters; and forthwith to secure all such as do not immediately take the benefit of the late generous proclamation of [Gen. Washington]<sup>1</sup> the Commander in Chief. Said Officers, Selectmen, and Committees, are further required to cause all recruits and soldiers on furlough, whose furloughs have expired, to proceed immediately to camp; and on refusal or delay of any such, to treat him as a deserter: A neglect of this measure will render unavoidable a further call for men to make up their deficiency.

In the House of Representatives

Read and Accepted

In Council

Read and Concurred. [*Passed June 23.*]

## CHAPTER 111.

RESOLVES APPROVING AND CONFIRMING THE CONDUCT OF MES-  
SIEURS ADAMS AND GERRY IN REQUESTING BRIGADIER FELLOWS  
TO HOLD HIS BRIGADE UNDER MARCHING ORDERS TO PROCEED  
TO THE NORTH RIVER, N. Y., UPON APPLICATION OF GEN. HOWE  
WITH A LARGE QUANTITY OF PROVISIONS, AND DIRECTING  
BRIGADIER FELLOWS TO IMPRESS HORSES, CATTLE AND WAGONS  
NECESSARY TO TRANSPORT STORES AND BAGGAGE.

WHEREAS the present State of the Continental Army, and the fortresses on the North-River [New York,] are such as may render it necessary to call upon the Militia from some parts of this State; and whereas the Hon. Samuel Adams and Elbridge Gerry, Esquires, by their letter dated at Hartford, on the 20th of this instant, June, requested Brigadier [John]<sup>2</sup> Fellows, of the county of Berkshire, to hold the Militia of his brigade under marching orders, to repair to Hudson's river, with a suitable quantity of provisions, upon the application of Maj. Gen. [Robert]<sup>1</sup> Howe to him, for that purpose: Therefore

*Resolved*, That this Court do approve the conduct of Mr. Adams and Mr. Gerry, in the advice contained in their letter to Brigadier Fellows; and it is further

*Resolved*, That Brigadier Fellows, of the county of Berkshire, be directed, and he is hereby directed accordingly, to hold his brigade under marching orders, to repair without loss of time to the North-River, upon the application of Maj. Gen. Howe to him for that purpose, with as large a quantity of provisions as they can possibly carry with them, without greatly retarding their march. And it is further

*Resolved*, That Brigadier Fellows be impowered, and he is hereby impowered and directed, to impress such a number of horses, cattle and waggons as may be necessary to transport all the stores and baggage requisite for the Militia marched in consequence of this Resolve, provided they cannot be otherways obtained. And it is further

*Resolved*, That all the Militia, who shall do duty agreeable to this Resolve, shall be entitled to the same allowance as is granted to the Militia ordered to be raised by the Resolve of June, 22d instant. [*Passed June 23.*]

Legislative  
Records of the  
Council,  
xl., 533.  
Mass.  
Archives,  
ccxxviii., 425.  
Mass.  
Resolves,  
May Session,  
chap. 115.  
*Ante*, p. 515,  
chap. 110.

<sup>1</sup> Heitman, Historical Register of Officers of the Continental Army, 1914.

<sup>2</sup> *Ante*, p. 219, chap. 462.



## CHAPTER 112.

RESOLVES DIRECTING HON. STEPHEN CHOATE, ESQ., TO DISCOVER THOSE WHO HAVE TAKEN ARTICLES FROM THE LIGHTHOUSES ON THATCHER'S ISLAND, SETTLE WITH OR PROSECUTE THEM, TAKE SUCH ARTICLES UNDER HIS CARE, LODGE AN INVENTORY IN THE SECRETARY'S OFFICE AND LEASE OUT SAID ISLAND.

Legislative  
Records of the  
Council,  
xl., 533.  
Mass.  
Archives,  
ccxxviii., 422.  
Mass.  
Resolves,  
May Session,  
chap. 118.

THE COMMITTEE of both Houses appointed to take into consideration the report of the Hon. Stephen Choate, Esq., relative to the light-houses on Thatchers Island have attended that service and report the following Resolve.

ELEAZER BROOKS per Order

Mass.  
Archives,  
ccxxviii., 424.  
Legislative  
Records of the  
Council,  
xl., 507.

Whereas it appears to this Court, that sundry articles, being the property of this State, have been taken from the light-houses on Thatcher's island, by some person or persons having no right to the same, and that sundry other articles still remain in danger of being taken away in the same manner, and that the said island may be leased out to the advantage of the State; Therefore

*Resolved*, That the Hon. Stephen Choate, Esq., be, and he hereby is fully authorized, empowered and directed, in behalf of this State, to discover by all proper means, any person or persons who have taken from Thatcher's island aforesaid, any article or articles whatsoever, being the property of this State, and to settle with them upon just and reasonable terms, or if need be, to prosecute any such person or persons to final judgment and execution. Also

*Resolved*, That the said [Stephen Choate, Esq.,] be, and he hereby is authorized, empowered and directed, to take under his care any article or articles, being the property of this State, that now remains on said island, or that has been taken therefrom as aforesaid, and to make out and lodge in the Secretary's-office a proper inventory of the same, and also annually to lease out the aforesaid island, for as much as the same will fetch, 'till the further order of the General Court, he to be accountable, and make report to the General Court for the time being. [*Passed June 23.*]

## CHAPTER 113.

Legislative  
Records of the  
Council,  
xl., 534.  
Mass.  
Archives,  
ccxxviii., 427.  
Mass.  
Resolves,  
May Session,  
chap. 113.

RESOLVE ABATING £900 TO THE TOWN OF CHELSEA, BEING PART OF FINE LAID FOR DEFICIENCY OF THE NINE MONTHS' MEN.

ON THE PETITION of the selectmen of Chelsea, praying that a fine of Eighteen Hundred Pounds, laid on the town of Chelsea, for a deficiency of raising their quota of nine-months men, so called, be remitted for reasons set forth in said petition:

Mass.  
Archives,  
ccxxviii., 428-  
431.  
*Ante*, p. 43,  
chap. 73.

*Resolved*, That there be abated the sum of Nine Hundred Pounds of the fine aforesaid, and the same be paid out of the public Treasury of this State to the selectmen of the town of Chelsea, for the use of said town. [*Passed June 23.*]



## CHAPTER 114.

RESOLVE STAYING THE EXECUTION OF EBENEZER WHITTIER AND JOHN LANGDON, JR., AGAINST JAMES CARGILL AND SETTING A HEARING ON THE 3<sup>d</sup> WEDNESDAY OF THE NEXT SESSION OF THIS COURT.

WHEREAS at an Inferior Court of Common Pleas, holden at Pownalborough, within and for the county of Lincoln, on the 1st Tuesday of this present month, Ebenezer Whittier and John Langdon, jun., both of Pownalborough aforesaid, yeomen, recovered judgment against James Cargill, of New-Castle, in the same county, gentleman, for the sum of Thirteen Thousand one Hundred and twenty-three Pounds eighteen Shillings damages, and twenty-two Pounds sixteen Shillings costs: It is

*Resolved*, That the execution of the said judgment be stayed until the 3<sup>d</sup> Wednesday of the next session of this Court; and the Sheriffs of each of the counties in this State, and their respective Deputies and under Sheriffs, are hereby directed and commanded, in the mean time, not to execute or serve any execution of the judgment aforesaid either on the person or any part of the estate of the said James Cargill; and the said Ebenezer Whittier and John Langdon are, by said James Cargill, to be served with a copy hereof, to shew cause (if any they have) wherefore the said judgment should be executed. [*Passed June 23.*]

Legislative  
Records of the  
Council,  
xl., 534.  
Mass.  
Archives,  
ccxxx., 447.  
Mass.  
Resolves,  
May Session,  
chap. 112.

Mass.  
Archives,  
ccxxx., 448-  
454.

## CHAPTER 115.

RESOLVE EXEMPTING ANY PERSON, ENLISTED OR DRAFTED TO RE-ENFORCE THE CONTINENTAL ARMY, FROM ARREST FOR DEBT DURING SUCH SERVICE.

WHEREAS some detriment may arise to the public, if some provision is not made to hold the men from being arrested for debt, who have or may voluntarily enlist, or that have been or may be drafted to reinforce the Continental army the present campaign:

*Resolved*, That any person who has or may voluntarily enlist, or that have been and may be drafted to reinforce the Continental Army the present campaign, shall not be liable to be arrested for any debt by him contracted during the time for which he is so enlisted or drafted. [*Passed June 23.*]

Legislative  
Records of the  
Council,  
xl., 535.  
Mass.  
Archives,  
ccxxviii., 433.  
Mass.  
Resolves,  
May Session,  
chap. 111.

## CHAPTER 116.

RESOLVE DESIRING THE COUNCIL TO PROCLAIM A DAY OF PUBLIC FASTING AND PRAYER ON ACCOUNT OF THE ALARMING SITUATION OF PUBLIC AFFAIRS.

*Resolved*, That the honorable Council be desired to issue a proclamation for a day of public fasting and prayer through the State, to be held on such day<sup>1</sup> as they shall judge most proper, considering the very alarming situation of our public affairs. [*Passed June 23.*]

Legislative  
Records of the  
Council,  
xl., 535.  
Mass.  
Archives,  
ccxxviii., 434.  
Mass.  
Resolves,  
May Session,  
chap. 116.

<sup>1</sup> Evans, American Bibliography, vi., 16854, by proclamation, July 20.



## CHAPTER 117.

RESOLVE EMPOWERING THE COMMITTEE FOR SUPPLYING THE ARMY TO DIRECT THEIR AGENTS TO IMPRESS CATTLE WHENEVER THEY FIND PUBLIC SERVICE REQUIRES IT.

Legislative  
Records of the  
Council,  
xl., 535.  
Mass.  
Archives,  
ccxxviii., 435.  
Mass.  
Resolves,  
May Session,  
chap. 117.

*Ante*, p. 562,  
chap. 90.

WHEREAS a compliance with the requisition of Congress on this State for the supply of the army, can in no case be dispensed with, which renders it absolutely necessary that the Committee, or the major part of them, appointed for that purpose, be invested with such powers as may be requisite to carry fully into execution the intention of their appointment:

*Resolved*, That said Committee, or the major part of them be, and hereby are impowered and directed, when ever they shall find the public service requires the same, to issue their orders, under their hands and seal, directed to such person or persons as they may appoint within any of the counties of this State, to take by impress, in such way, and under such provisions as to them shall appear best (taking into consideration the public necessities and the security of private property) such number of cattle as to them shall appear necessary, and in every such case they shall take effectual care that the value of such impressed cattle be properly estimated, either by agreement with the owner, or by the appraisement of disinterested persons, under oath, that such value be paid by the Agents appointed by said Committee, or the major part of them, to make such impress, or that a certificate of the number and value of such cattle be signed by such Agent and delivered to the owner; and for the payment of such value as is expressed in such certificates, the public faith is hereby pledged.

And said Committee, or the major part of them, shall, from time to time, whenever they may issue such warrant, give notice thereof as early as possible to the Council, and of the names of all persons to whom they may give such power of impress. [*Passed June 23.*]

## CHAPTER 118.

RESOLVE DIRECTING THE COMMITTEE TO METHODIZE ACCOUNTS TO CONTINUE WITH THE COMMITTEE FOR SETTLING WITH THE ARMY UNTIL FURTHER ORDER.

Legislative  
Records of the  
Council,  
xl., 536.  
Mass.  
Archives,  
ccxxviii., 437.  
Mass.  
Resolves,  
May Session,  
chap. 121.

*Ante*, p. 536,  
chap. 40.

WHEREAS it may be necessary to continue Messieurs John Deming, Peter Boyer and Stephen Gorham (the Committee appointed to methodize and state the accounts of this State) on the Committee for settling with the army:

*Resolved*, That the said John Deming, Peter Boyer and Stephen Gorham, or either of them, be, and they hereby are authorised and directed to continue with the Committee for settling with the army when the business of their other appointment will admit, until the further order of the General Court. [*Passed June 23.*]



## CHAPTER 119.

RESOLVE GRANTING £100,000 TO THE COMMITTEE TO SUPPLY THE ARMY WITH SMALL STORES.

*Resolved*, That there be paid out of the public treasury of this State to Ebenezer Wales, Esq., and others, the Committee appointed to supply the army with small stores, the sum of One Hundred Thousand Pounds, to enable them to execute the business to which they have been appointed, they to be accountable for the expenditure of the same. [*Passed June 23.*]

Legislative  
Records of the  
Council,  
xl., 536.  
Mass.  
Archives,  
ccxxviii., 442.  
Mass.  
Resolves,  
May Session,  
chap. 122.

## CHAPTER 120.

RESOLVE DIRECTING THAT THE SEVERAL GUARDS BE PUT UPON A PROPER ESTABLISHMENT AND DIRECTING CAPT. JOHN CARPENTER TO MAKE OUT PROPER ACCOUNTS COVERING THE GUARD AT SPRINGFIELD AND LAY THEM BEFORE THE COMMITTEE ON ROLLS FOR EXAMINATION AND ALLOWANCE.

ON THE PETITION OF John Carpenter, Captain of the guards at Springfield, setting forth, that the establishment for him is not sufficient for his support, and also of the circumstances of his guard, as also of his having paid a sum of money to persons who have guarded the public stores, praying for some relief:

*Resolved*, That the circumstances of the several guards in this State be taken up at large, and put on a proper establishment, and that John Carpenter, Captain of the guard at Springfield, make out a proper account of the time of his hiring the guard, and expence of the same, with proper vouchers, and lay the same before the Committee on rolls, for examination and allowance. [*Passed June 23.*]

Legislative  
Records of the  
Council,  
xl., 536.  
Mass.  
Archives,  
ccxxviii., 443.  
Mass.  
Resolves,  
May Session,  
chap. 109.  
Mass.  
Archives,  
ccxxviii., 444.

## CHAPTER 121.

RESOLVES DIRECTING THE AGENTS TO PROCURE 1,020 HORSES FOR THE CONTINENTAL ARMY TO OBTAIN THEM THROUGH THEIR PURCHASE OR HIRE BY THE SELECTMEN OF TOWNS ACCORDING TO THE ACCOMPANYING SCHEDULE.

WHEREAS His Excellency Gen. Washington hath made a requisition upon this State for One Thousand and twenty horses, and hath pointed out the impossibility of acting offensively against the enemy, in co-operation with the allies of the United States, and even of making any movement of the army, unless said requisition be fully complied with: And whereas the state of the treasury renders it impracticable to procure said horses with money; as guardians of the public security, this Court is constrained to apply to the patriotism and public spirit of the good people of this State, in an unusual, indeed, but absolutely necessary method: Be it therefore

*Resolved*, That the Agents appointed to procure said horses, be, and they hereby are respectively directed, as soon as possible, to apply to the selectmen of the several towns within their respective limits; and the selectmen aforesaid are hereby earnestly requested (as they would prevent the further effusion of blood; as they would restore their country to security and happiness; and as they would avoid a most ignominious bondage to a cruel, haughty and implacable enemy) to procure, in the most speedy and effectual

Legislative  
Records of the  
Council,  
xl., 537.  
Mass.  
Archives,  
ccxxviii., 406.  
Mass.  
Resolves,  
May Session,  
chap. 119.  
Mass.  
Archives,  
ccxxviii., 408-  
413. *Ante*,  
p. 558, chap. 81.



manner, on the terms prescribed in said resolve, the number of good and serviceable horses allotted their respective towns in the schedule hereto annexed; which horses, when procured, they are to deliver to the Agent of the county where they may be so procured; and the said selectmen are to make up an account of the hire and purchase of said horses, together with their own time and expences therein, and to transmit the same to the Secretary's-office, as soon as may be; the sum-total of which accounts shall be allowed, and the same deducted from the respective town's proportion of a future State-tax; or that they may receive therefor, notes, engaging the payment thereof without depreciation, as they may chuse. And the said Agents are hereby directed from time to time to obey such orders and directions as they shall receive from Samuel Osgood, Elijah Hunt, and Oliver Phelps, Esquires, the Committee appointed by this Court to furnish provisions for the army, and for other purposes; and the respective agents aforesaid, are hereby required and directed to appoint three judicious persons to appraise, under oath, such horses which may be hired, as shall be delivered to them respectively; and they are to transmit an account of such appraisement, as soon as may be, to the Secretary's-office of this State. And be it further

*Resolved*, That the several Agents aforesaid, be, and hereby are directed to keep an account of all their time and expences, and to lay the same before this Court or the committee on accounts, for allowance and payment.

## THE SCHEDULE.

<i>County of Suffolk.</i>	<i>County of Middlesex.</i>	<i>County of Hampshire —</i> Con.
Boston . . . . . 11	Cambridge . . . . . 8	Conway . . . . . 3
Roxbury . . . . . 7	Charlestown . . . . . 3	Whately . . . . . 3
Dorchester . . . . . 5	Woburn . . . . . 6	South-Hadley . . . . . 3
Milton . . . . . 5	Reading . . . . . 5	Westfield . . . . . 12
Weymouth . . . . . 3	Frammingham . . . . . 5	Northampton . . . . . 10
Hingham . . . . . 4	Sherborn . . . . . 3	Southampton . . . . . 4
Cohasset . . . . . 2	Weston . . . . . 4	Hadley . . . . . 5
Stoughtonham . . . . . 4	Hopkinton . . . . . 4	Granby . . . . . 3
Brookline . . . . . 2	Stow . . . . . 4	Greenfield . . . . . 6
Braintree . . . . . 8	Pepperell . . . . . 3	Brimfield . . . . . 7
Stoughton . . . . . 9	Stoneham . . . . . 1	Pelham . . . . . 4
Walpole . . . . . 4	Bedford . . . . . 3	New-Salem . . . . . 3
Wrentham . . . . . 5	Acton . . . . . 3	Leverett . . . . . 2
Dedham . . . . . 10	Wilmington . . . . . 2	Murrayfield . . . . . 3
Needham . . . . . 5	Concord . . . . . 5	Worthington . . . . . 4
Medfield . . . . . 3	Marlborough . . . . . 9	Southwick . . . . . 3
Bellingham . . . . . 3	Lexington . . . . . 4	Norwich . . . . . 2
Medway . . . . . 4	Sudbury . . . . . 8	Amherst . . . . . 3
Chelsea . . . . . 1	Medford . . . . . 2	Monson . . . . . 4
Franklin . . . . . 4	Westford . . . . . 3	Blandford . . . . . 3
Foxborough . . . . . 2	Groton . . . . . 5	Colerain . . . . . 4
	Townsend . . . . . 2	Granville . . . . . 7
	Natick . . . . . 2	South-Brimfield . . . . . 3
<i>County of Essex.</i>	Holliston . . . . . 4	Bernardstown . . . . . 3
Salem . . . . . 5	Dunstable . . . . . 2	Ashfield . . . . . 3
Ipswich . . . . . 12	Watertown . . . . . 4	Chesterfield . . . . . 2
Lynn . . . . . 7	Newton . . . . . 6	Ludlow . . . . . 2
Rowley . . . . . 7	Billerica . . . . . 5	Myrfield . . . . . 3
Gloucester . . . . . 5	Chelmsford . . . . . 4	Wilbraham . . . . . 5
Almsbury . . . . . 4	Malden . . . . . 2	Hatfield . . . . . 4
Middleton . . . . . 3	Littleton . . . . . 4	Shelburne . . . . . 4
Danvers . . . . . 8	Waltham . . . . . 3	Montague . . . . . 3
Newbury . . . . . 11	Shirley . . . . . 2	Greenwich . . . . . 5
Andover . . . . . 13	Ashby . . . . . 2	Palmer . . . . . 4
Salisbury . . . . . 3	Dracut . . . . . 2	Belchertown . . . . . 6
Topsfield . . . . . 4	Tukesbury . . . . . 2	Warwick . . . . . 4
Bradford . . . . . 4	Lincoln . . . . . 3	Charlemont . . . . . 2
Manchester . . . . . 2	Carlisle . . . . . 2	Shutesbury & Er-
Newbury-Port . . . . . 3		vingshire . . . . . 2
Marblehead . . . . . 3		No. 5. . . . . 2
Beverly . . . . . 5		Williamsburgh . . . . . 3
Haverhill . . . . . 7		Sunderland . . . . . 3
Boxford . . . . . 5	<i>County of Hampshire.</i>	Ware . . . . . 3
Wenham . . . . . 2	Springfield . . . . . 7	West-Hampton . . . . . 1
Methuen . . . . . 4	West-Springfield . . . . . 8	
	Northfield . . . . . 5	
	Deerfield . . . . . 7	
		192



<i>County of Plymouth.</i>		<i>County of Worcester—Con.</i>		<i>County of Berkshire—Con.</i>	
Plymouth . . . .	3	Spencer . . . .	5	Pittsfield . . . .	8
Marshfield . . . .	3	Paxton . . . .	2	Egremont . . . .	5
Rochester . . . .	5	Rutland . . . .	4	Becket . . . .	2
Kingston . . . .	1	Barre . . . .	8	Richmond . . . .	6
Halifax . . . .	2	Hubbardston . . . .	2	West-Stockbridge . . . .	2
Scituate . . . .	7	Oakham . . . .	3	Windsor . . . .	2
Bridgewater . . . .	19	New-Braintree . . . .	4	New-Ashford . . . .	2
Plympton . . . .	3	Southborough . . . .	2	Great-Barrington . . . .	9
Hanover . . . .	3	Westborough . . . .	3	New-Marlborough . . . .	5
Wareham . . . .	2	Northborough . . . .	3	Lenox . . . .	5
Duxborough . . . .	2	Shrewsbury . . . .	7	Tyringham . . . .	5
Middleborough . . . .	12	Lunenburg . . . .	4	Mount-Washington . . . .	4
Pembroke . . . .	5	Uxbridge . . . .	4	Loudon . . . .	2
Abington . . . .	5	Harvard . . . .	5	Alford . . . .	2
	72	Dudley . . . .	3	No. 7 . . . .	1
<i>County of Bristol.</i>		Bolton . . . .	5	Ashuelet Equivalent . . . .	2
Taunton . . . .	7	Upton . . . .	2	Partridgefield . . . .	4
Dartmouth . . . .	18	Sturbridge . . . .	7	Lanesborough . . . .	9
Attleborough . . . .	3	Leominster . . . .	5	Stockbridge . . . .	6
Rainham . . . .	3	Hardwick . . . .	6	Sandisfield . . . .	5
Rehoboth . . . .	12	Holden . . . .	3	Hancock . . . .	4
Dighton . . . .	3	Western . . . .	6	Washington . . . .	4
Easton . . . .	4	Douglass . . . .	4	Adams . . . .	5
Norton . . . .	5	Grafton . . . .	3	New-Providence . . . .	3
Swanzy . . . .	6	Petersham . . . .	6		
Mansfield . . . .	3	Royalston . . . .	2		121
Freetown . . . .	4	Westminster . . . .	5		
Berkley . . . .	2	Athol . . . .	4	<i>COUNTIES.</i>	
	73	Templeton . . . .	5	Suffolk . . . .	101
<i>County of Worcester.</i>		Princetown . . . .	4	Essex . . . .	117
Worcester . . . .	12	Ashburnham . . . .	3	Middlesex . . . .	140
Brookfield . . . .	12	Winchendon . . . .	3	Hampshire . . . .	192
Lancaster . . . .	14	Northbridge . . . .	1	Plymouth . . . .	72
Oxford . . . .	3	Fitchburgh . . . .	3	Bristol . . . .	73
Mendon . . . .	6	Ward . . . .	2	Worcester . . . .	204
Charlton . . . .	5		204	Berkshire . . . .	121
Sutton . . . .	9	<i>County of Berkshire.</i>			
Leicester . . . .	5	Lee . . . .	3		1,020
		Sheffield . . . .	10		
		Williamstown . . . .	7		

[Passed June 23.]

## CHAPTER 122.

RESOLVE DIRECTING DR. JOHN WARREN, SENIOR SURGEON OF THE CONTINENT IN THE EASTERN DEPARTMENT, TO PROVIDE NECESSARY ATTENDANCE AT ADDITIONAL PAY FOR SUCH SICK PRISONERS AS ARE UNDER HIS CARE.

ON THE REPRESENTATION of John Warren, senior surgeon of the Continent in the Eastern department, setting forth the necessity of some additional pay being allowed to the persons who are employed in taking care of the sick prisoners, especially those who lately arrived in a cartel from New-York.

*Resolved,* That the said Dr. John Warren be, and he is hereby impowered to provide necessary attendance for such sick prisoners as are under his care, and lay his accounts for any additional pay, over and above what is allowed by the Continent, before the Committee of accounts, for examination and allowance, which Committee are hereby directed to furnish the Committee appointed to methodize and settle the accounts of this State with the Continent, with an account of the allowance they may make, in order that the same may be charged to the United States. [Passed June 23.]

Legislative  
Records of the  
Council,  
xl., 540.  
Mass.  
Archives,  
ccxxviii., 445.  
Mass.  
Resolves,  
May Session,  
chap. 114.



## CHAPTER 123.

RESOLVE DIRECTING THE BOARD OF WAR TO FURNISH CAPT. JOSEPH TRAVERSEE WITH A SUIT OF CLOTHES AND THE TREASURER TO PAY HIM £400 TO ANSWER HIS PRESENT NECESSITY, TO BE CHARGED TO THE UNITED STATES, GEN. GATES TO BE ADVISED THEREOF.

Legislative  
Records of the  
Council,  
xl., 540.  
Mass.  
Archives,  
ccxxxv., 95.  
Mass.  
Resolves,  
May Session,  
chap. 110.

ON THE PETITION of Joseph Traversee, a Captain in the Continental service, in the Eastern department, shewing, that he has received no wages for his service since the 12th of August, 1779, and as there is no Continental Pay-Master in the Eastern department, he cannot obtain any wages for his past service, unless he goes to head-quarters, without the aid of this Court; that he is now destitute of cloaths and money, and stands in need of immediate relief: He prays he may be furnished with a suit of cloaths, and draw a sum of money from the treasury of this State, for reasons set forth in his petition:

*Resolved*, That the Board of War be directed to furnish Capt. Joseph Traversee with a suit of cloaths, and that there be allowed and paid out of the public treasury of this State, to the said Capt. Traversee, the sum of Four Hundred Pounds, to answer his present necessity, and that the same be charged to the United States, and that Gen. [Horatio]<sup>1</sup> Gates be advised thereof as soon as may be. [*Passed June 23.*]

## CHAPTER 124.

RESOLVE EMPOWERING GEN. WADSWORTH TO EXCHANGE CAPT. JAMES RIDER MOWATT AND OTHERS OF THE KING'S RANGERS FOR THE SLOOP RANGER AND A SCHOONER LATELY TAKEN BY THEM.

Legislative  
Records of the  
Council,  
xl., 532.  
Mass.  
Archives,  
ccxxviii., 470.  
Mass.  
Resolves,  
May Session,  
chap. 124.

WHEREAS it is represented by a letter from Gen. Wadsworth, and the petition of Joseph Reed accompanying the same, that on the 22d of May last, in the harbour of Townsend, was captured by James Rider Mowatt, Captain of the King's Rangers (so called) a sloop called the Ranger, late the property of the said Reed, and that on the day following the said Capt. Mowatt, with nine others, were captured by said Reed and others; that then the said Mowatt offered to restore the said sloop, together with a schooner taken by him the preceeding day, in the same condition in which they were taken, on condition that he said Mowatt, with the other prisoners, should be set at liberty; but the said General doubting of his authority in that case, has referred said Reed to the Council for an order respecting that matter: Therefore

*Resolved*, That Brig. Gen. Peleg Wadsworth be, and he is hereby fully empowered and authorized to agree to an exchange of the said Mowatt and the other prisoners aforesaid, for said vessels, or a proper equivalent, on such terms as he shall judge honorable and beneficial to the State, if the said Mowatt shall still be disposed to agree to said exchange, and that the said Mowatt, with the other prisoners, in the mean time be at the disposal of the said General, and that if the said sloop be recovered, or an equivalent, she or said equivalent shall revert to and be delivered to her former owner, the said Joseph Reed. [*Passed June 24.*]<sup>2</sup>

<sup>1</sup> Heitman, Historical Register of Officers of the Continental Army, 1914.

<sup>2</sup> This date is same in Massachusetts Resolves, but June 23 according to Legislative Records of the Council.



## CHAPTER 125.

RESOLVE MAKING AN ESTABLISHMENT FOR THE GUARDS, DETACHED OR ENLISTED FROM THE MILITIA, NOW DOING DUTY IN THIS STATE.

*Resolved*, That the several Guards now doing duty in this State, detached or inlisted from the militia thereof, or that hereafter may be detached or inlisted for that purpose, shall be upon the following establishment, and to be so made up on their several pay rolls from the 1st day of May last, or from the beginning of the last relief, any Law or Resolve of this Court to the contrary notwithstanding, viz.

One Captain, eight Pounds,  
One Lieutenant, five Pounds,  
One Sergeant, two Pounds four Shillings,  
One Corporal, two Pounds two Shillings,  
One drum or fife, two Pounds two Shillings,  
One private, forty Shillings, per calendar month.

Legislative  
Records of the  
Council,  
xl., 541.  
Mass.  
Archives,  
ccxxviii., 452.  
Mass.  
Resolves,  
May Session,  
chap. 125.

Mass.  
Archives,  
ccxxviii., 454.  
*Ante*, p. 581,  
chap. 120.

And the Commanding-Officer of any Guard shall make up his pay-roll according to said establishment, which shall be paid in Continental bills now in circulation, at forty for one, or in the Continental money to be emitted on the credit of this State, being equal to gold and silver; both officers and soldiers shall be intitled to receive one Continental ration each, and no more. Provided nevertheless, That any officer or soldier, now doing duty on said Guards, who has received a hire from any town or individual to enter said guard, shall have the same deducted from the aforesaid monthly pay, reduced to one fortieth part of the nominal sum received, and the Commanding-Officer making up the roll for the pay of his company or party, shall place the said sum, reduced as aforesaid, received as a hire, in a separate column on the said roll, to be deducted accordingly. [*Passed June 24.*]<sup>1</sup>

## CHAPTER 126.

ORDER APPOINTING A COMMITTEE TO INFORM REV. DR. SAMUEL COOPER OF HIS BEING CHOSEN TO PREACH THE SERMON ON THE LAST WEDNESDAY IN OCTOBER NEXT, BEING THE DAY OF THE GENERAL ELECTION UNDER THE NEW CONSTITUTION.

In the House of Representatives

*Ordered*, That Col. [Thomas]<sup>2</sup> Dawes and Maj. [Samuel]<sup>2</sup> Osgood, with such as the Honorable Board shall join, be a Committee to inform the Rev. Dr. [Samuel]<sup>3</sup> Cooper that the two Houses have made choice of him to preach a sermon on the last Wednesday in October next, being the first day of General Election under the new Constitution.

In Council

Read and Concurred and Thomas Cushing, Esq. is joined.  
[*Passed June 24.*]

Legislative  
Records of the  
Council,  
xl., 541.  
Mass.  
Archives,  
ccxxviii., 447.  
Mass.  
Resolves,  
May Session,  
chap. 127.

<sup>1</sup> This date is same in Legislative Records of the Council, but is June 23 according to Massachusetts Resolves.

<sup>2</sup> *Ante*, p. 512.

<sup>3</sup> *Ante*, p. 422, chap. 924.



## CHAPTER 127.

RESOLVE EMPOWERING THE TREASURER TO ANTEDATE NOTES FOR ARTICLES SUPPLIED AND SERVICES PERFORMED UNDER THE DIRECTION OF THE BOARD OF WAR.

Legislative  
Records of the  
Council,  
xl., 542.  
Mass.  
Archives,  
ccxxviii., 438.  
Mass.  
Resolves,  
May Session,  
chap. 126.

WHEREAS considerable sums of money are now, and have for some time past been due to divers persons, for articles supplied, and services by them performed for this State, under the directions of the Board of War: And whereas the fluctuating state of our currency has been such, that great injustice may be done and injury accrue to such persons, should they be obliged to receive payment for their debts in present current money: Therefore

Mass.  
Archives,  
ccxxv., 95.  
Province  
Laws, v., 1078,  
chap. 11.

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be, and he is hereby empowered and directed to date such and so many of the notes as he may issue, by virtue of an Act of this government, passed the last session of the late General Court (as may be sufficient to discharge all such debts as aforesaid) at the several periods when the articles were supplied, or services performed, or accounts settled and ballances became due, to the public creditors of this State, agreeable to such application, as he may receive from time to time from the Board of War of this State for that purpose, any thing in the afore-mentioned Act to the contrary notwithstanding. [*Passed June 24.*]

## CHAPTER 128.

RESOLVE EMPOWERING THE COMMITTEE TO SUPPLY THE ARMY TO DISPLACE PURCHASERS OF BEEF AND FORAGE, EXCEPT THOSE APPOINTED IMMEDIATELY BY THIS COURT, AND APPOINT OTHERS IN THEIR ROOM.

Legislative  
Records of the  
Council,  
xl., 542.  
Mass.  
Archives,  
ccxxviii., 455.  
Mass.  
Resolves,  
May Session,  
chap. 123.

WHEREAS Samuel Osgood, Elijah Hunt, and Oliver Phelps, Esquires, the Committee appointed to supply the army, are not invested with powers to displace such purchasers of beef and forage as shall not answer the purposes of their appointment, without which the intentions of this Court may be frustrated: Therefore

*Ante*, p. 562,  
chap. 90.

*Resolved*, That the Committee aforesaid be, and they hereby are empowered to displace and remove any purchaser or purchasers of beef or forage now appointed, or hereafter to be appointed, within any county in this State, except those appointed immediately by this Court; and to appoint any other person or persons, in the room and stead of such displaced and removed purchaser or purchasers. [*Passed June 24.*]

## CHAPTER 129.

RESOLVE DESIRING THE COUNCIL TO COMMISSION DAVID WHEELER, CAPTAIN, AGREEABLE TO A RESOLVE OF JANUARY 12, 1776, HIS TIME OF SERVICE BEING EXPIRED NOTWITHSTANDING.

Legislative  
Records of the  
Council,  
xl., 543.  
Mass.  
Archives,  
ccxxviii., 457.  
Mass.  
Resolves,

WHEREAS it appears to this Court, that Capt. David Wheeler was by a Resolve of the House of Representatives, passed the 13th of January, 1776, intitled to a Captain's commission, which commission was not made out and delivered to him according to said resolve.

<sup>1</sup> *Ante*, p. 337, chap. 734.



And whereas it is reasonable he should have the rank to which he would have been intitled by such commission, especially when engaged in the public service: Therefore

*Resolved*, That the honorable Council be, and hereby are authorized and requested to commission the said David Wheeler, agreeable to the Resolve aforesaid, his time of service being expired notwithstanding. [*Passed June 24.*]

May Session,  
chap. 131.

Province  
Laws, xix., 208,  
chap. 509.

## CHAPTER 130.

RESOLVE REQUESTING THE COUNCIL TO PROVIDE SUITABLE ENTERTAINMENT FOR THE WHOLE GENERAL ASSEMBLY ON THE LAST WEDNESDAY IN OCTOBER NEXT, BEING THE FIRST DAY OF GENERAL ELECTION UNDER THE NEW CONSTITUTION.

Legislative  
Records of the  
Council,  
xl., 543.

Mass.  
Archives,  
ccxxviii., 458.

Mass.  
Resolves,  
May Session,  
chap. 128.

*Ante*, p. 585,  
chap. 126.

*Resolved*, That the honorable Council be, and they hereby are empowered and requested to order that provision be made for a suitable entertainment for the whole General Assembly, on the last Wednesday in October next, being the first day of general election under the new constitution. [*Passed June 24.*]

## CHAPTER 131.

RESOLVE EXTENDING THE RESOLUTION, OF THE 15<sup>TH</sup> INSTANT FOR COLLECTING MONEYS TO THE COUNTIES OF BARNSTABLE, YORK AND BERKSHIRE AND APPOINTING COMMISSIONERS FOR THAT PURPOSE.

*Resolved*, That the Resolution of the General Assembly, of the 15<sup>th</sup> inst. for collecting monies from the several counties therein named, be, and it is hereby extended to the counties of Barnstable, York, and Berkshire; and that the following persons be appointed commissioners to receive money and give receipts for any sums which may be advanced in the manner prescribed by the above-mentioned Resolve, viz. Nathaniel Freeman, Esq., Barnabas Freeman, Esq., and Capt. Edmund Howes, in the county of Barnstable, John Frost and the Hon. Benjamin Chadburn, Esquires, in the county of York, Theodore Sedgwick, Jahleel Woodbridge, and Gideon Wheeler, Esquires, for the county of Berkshire; and every article and clause of said Resolve designating the duties of commissioners, selectmen, committees of correspondence, and the inhabitants, and as they relate to every other matter and thing therein contained, shall avail and be observed by the commissioners, selectmen, committees and inhabitants of the counties of Barnstable, York, and Berkshire, as fully and completely as they might and would have done, had the names of those counties been particularly named in said Resolve; and the Secretary is hereby directed to forward this Resolve, as also the Resolve referred to, as soon as possible, to the several commissioners in the several counties above-mentioned. [*Passed June 24.*]

Legislative  
Records of the  
Council,  
xl., 543.

Mass.  
Archives,  
ccxxviii., 459.

Mass.  
Resolves,  
May Session,  
chap. 129.

*Ante*, p. 543,  
chap. 57.



## CHAPTER 132.

RESOLVES DIRECTING THE TREASURER TO ISSUE HIS EXECUTIONS AGAINST ALL CONSTABLES AND COLLECTORS WHO ON JULY 31<sup>ST</sup> WILL BE DELINQUENT FOR THE FIRST MOIETY OF THE TAX DUE ON JULY 15<sup>TH</sup>, AND APPOINTING COMMISSIONERS FOR THE COUNTIES OF CUMBERLAND, LINCOLN, DUKES COUNTY AND NANTUCKET FOR COLLECTING THE SECOND MOIETY DUE ON SEPTEMBER 15<sup>TH</sup>.

Legislative  
Records of the  
Council,  
xl., 544.  
Mass.  
Archives,  
ccxxviii., 461.  
Mass.  
Resolves,  
May Session,  
chap. 130.

*Supra*,  
chap. 131.

WHEREAS the present exigencies of the public require a punctual payment of taxes, and most towns in the State have advanced and are advancing their taxes, even before the time required by law for their payment:

*Resolved*, That in any case where the payment of the first moiety of the tax which is required to be discharged on the 15<sup>th</sup> of July next, shall not be compleated on the 31<sup>st</sup> of July next, [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be, and he is hereby directed to issue his executions against all constables and collectors who shall then be delinquent as aforesaid.

*Resolved*, That commissioners be appointed for the counties of Cumberland, Lincoln, Duke's County, and Nantucket, to take measures for collecting immediately the second moiety of the tax which is ordered to be paid into the treasury on the 15<sup>th</sup> of September next.

And that Samuel Freeman and John Lewis, Esquires, be appointed Commissioners for the county of Cumberland, Charles Cushing and Nathaniel Thwing, Esquires, for the county of Lincoln, Stephen Hussey and James Athearn, Esquires, for the county of Nantucket and Duke's County. And it is

*Resolved*, That the Resolution of the General Assembly of the 15<sup>th</sup> instant, for collecting money, as it designates the duty of commissioners, selectmen, committees of correspondents, and the inhabitants, and every other clause and article thereof, relating to every other matter and thing therein contained, shall avail and be observed by the commissioners, selectmen, committees and inhabitants of the said counties of Cumberland, Lincoln, Nantucket and Duke's County, excepting so far as said Resolution relates to the first moiety of the tax to be paid on or before the 15<sup>th</sup> of July next, as fully and compleatly as they might and would have done, if the names of those counties had been particularly named in said Resolution.

And the commissioners are hereby enjoined to convey the money they are severally to collect, to the Treasurer of this State with the utmost expedition. [*Passed June 24.*]

## CHAPTER 133.

RESOLVES VESTING THE COUNCIL WITH CERTAIN POWERS DURING THE RECESS.

Legislative  
Records of the  
Council,  
xl., 546.  
Mass.  
Archives,  
ccxxviii., 464.  
Mass.  
Resolves,  
May Session,  
chap. 132.

WHEREAS the public safety requires that until the next setting of the General Court, certain powers should be vested in the honorable Council, other than those with which they are ordinarily vested with:

*Resolved*, That until the next sitting of the General Court, the honorable Council be, and they hereby are fully authorized and empowered, to nominate and appoint such commission-officers in

<sup>1</sup> *Ante*, p. 337, chap. 734.



any of the land forces or vessels of war, in the service and pay of this State, and also in the militia, whose places, by death or otherwise, are or may, in the recess of the General Court, become vacant: And the honorable Council are hereby further authorized and empowered, to treat and conclude treaties of amity and friendship with any Indians that may arrive in this State, and make such provisions for them as they may judge proper: Also,

*Resolved*, That the major part of the Council shall have full power and authority to examine, allow, and pass upon the pay-rolls of any sea-coast men in this State, and the accounts of their commissaries; also, on the rolls of any of the militia of this State, who may have been in service, any Act or Resolve to the contrary notwithstanding: And the honorable Council are further authorized and empowered, to detach any number of the militia of this State, not exceeding Twenty Thousand, with proper officers to command them, to duty in any of the United States, for a term not exceeding three months, subject, nevertheless, to be recalled by the General Court, when they judge proper: And it is further

*Resolved*, That the honorable Council are hereby authorized and empowered, if they shall judge the public service requires it, to authorize and empower the Committee appointed to superintend the purchase of beef and grain, or any other person or persons they may judge proper, to take, by impress, beef, salt, horses, rum, or any other articles that may be necessary for the use of the army, or the public defence, or to apportion any of the before-mentioned or any other articles, on the several towns in this State, or such towns where such articles are, that they judge necessary for the public service; and also to lay a land embargo, to prevent any articles being transported out of this State, if they judge necessary. And it is further

*Resolved*, That the Council are authorized to give such further instructions and directions to the Committee appointed to superintend the purchasing of beef, &c. as they shall judge necessary; and also, in case any of the persons appointed in the several counties to procure horses, should decline serving, or be absent, to appoint other persons in their room: And the honorable Council are further authorized and empowered, to borrow, on the credit of this State, if they think it necessary, of any persons who will lend the same, a sum of money, not exceeding Sixty Thousand Pounds, in gold or silver, or an equivalent sum in paper currency, for a term not exceeding twelve months; and give security for the repayment of the full value of the money so hired: And in case the new money to be emitted on the credit of this State, should not arrive in season to be exchanged for the money collecting by taxes for that purpose, the honorable Council are hereby empowered and requested, to order [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer to pay out the money so collected, in discharge of any warrants drawn on him for the discharge of public debts, or the procurement of supplies for the army: And the honorable Council are further authorized, to convene the Great and General Court at an earlier day than that to which it shall be adjourned or prorogued, if they judge the public service require it. [*Passed June 24.*]<sup>2</sup>

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> Prorogued to Aug. 2. — Legislative Records of the Council, xl., 548.



## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE SEVENTH DAY OF SEPTEMBER, A.D. 1780.

### CHAPTER 134.

RESOLVE DIRECTING THE COMMITTEE FOR SETTLING WITH THE ARMY TO ALLOW THOMAS URAN AND OTHERS OF THE CORPS OF ARTIFICERS THE SAME DEPRECIATION AS ALLOWED TO THE CORPS UNDER MAJ. JOSEPH EAYRES AT SPRINGFIELD.

Legislative  
Records of the  
Council,  
xl., 551.  
Mass.  
Archives,  
ccxxviii., 479.  
Mass.  
Resolves,  
Sept. Session,  
chap. 1.

Mass.  
Archives,  
ccxxviii., 480.

ON THE PETITION of Thomas Uran, in behalf of himself and eight other persons, in the corps of artificers, praying they may be allowed the depreciation of their wages, for reasons set forth in said petition:

*Resolved*, That the Committee for settling the depreciation of the wages of this State's quota of the Continental Army, be, and they are hereby directed, to settle with the said Thomas Uran, and the eight persons who served with him in said corps of artificers in the Continental service, for the depreciation of their wages, in the same manner as they settle with the corps doing duty under Maj. [Joseph]<sup>1</sup> Eayres at Springfield. [*Passed September 8.*]

### CHAPTER 135.

RESOLVE CONFIRMING AND RATIFYING THE SEVERAL OFFICERS CHOSEN BY THE LEGAL VOTERS IN THE WEST PRECINCT OF BRIDGEWATER ON MARCH 27<sup>TH</sup> LAST AND ALL SUBSEQUENT PROCEEDINGS OF SAME, THE CONSTABLE WHO WARNED SAID MEETING NOT BEING SWORN AT THE TIME NOTWITHSTANDING.

Legislative  
Records of the  
Council,  
xl., 552.  
Mass.  
Archives,  
ccxxviii., 481.  
Mass.  
Resolves,  
Sept. Session,  
chap. 2.

Mass.  
Archives,  
ccxxviii., 482-  
487.

ON THE PETITION of Richard Perkins, agent of the West-Precinct in Bridgewater, praying for the confirmation of the proceedings of a meeting of said precinct on the 27th of March last:

*Resolved*, That the prayer of the petition be granted, and that the several officers chosen by the legal voters in said precinct, on the 27th of March last, be and are hereby confirmed and ratified, to all intents and purposes, the Constable who warned said meeting not being sworn at the time of warning the same notwithstanding; and all subsequent proceedings of said officers and precinct (if otherwise legal) is hereby confirmed as good and legal. [*Passed September 8.*]

<sup>1</sup> *Ante*, p. 559, chap. 83.



## CHAPTER 136.

RESOLVES REQUESTING THE COUNCIL TO PERMIT RICHARD CODMAN OF FALMOUTH TO GO TO HALIFAX IN A CARTEL, SPECIALLY COMMISSIONED, TO COLLECT £1,200 STERLING FROM THOMAS ROSS AND RETURN WITH HIS EFFECTS ON BOND OF £10,000, AND PERMITTING BARBARA ROSS, WITH HER FIVE CHILDREN AND SERVANT MAID, TO GO IN THE SAME CARTEL TO HER HUSBAND IN HALIFAX.

WHEREAS Richard Codman, of Falmouth, has represented to this Court, that Thomas Ross, late of Falmouth aforesaid, and now of Halifax, in the province of Nova-Scotia, is indebted to him in the sum of Twelve Hundred Pounds sterling, and is ready and willing to settle with and pay to him, the said Codman, the sum aforesaid, and prays liberty for a cartel to go to Halifax to recover said debt: Therefore

*Resolved*, That the prayer of said petition be granted, and that the honorable the Council be requested to grant permission to said Codman to repair to Halifax, for the purpose set forth in said petition, in a cartel, which the Council are further requested to commission for that purpose, and to return with his effects. And it is further

*Resolved*, That said Codman give bond to [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State for the sum of Ten Thousand Pounds, that he will in all respects conform to the conditions on which the cartel shall be granted. And it is further

*Resolved*, That Barbara Ross, with her five children and servant maid, be permitted to go in said cartel to her husband at Halifax, not to return again to this State without permission first obtained from the General Court for that purpose. [*Passed September 8.*]

Legislative  
Records of the  
Council,  
xl., 552.  
Mass.  
Archives,  
ccxxviii., 488.  
Mass.  
Resolves,  
Sept. Session,  
chap. 3.

Mass.  
Archives,  
ccxxviii., 489.

## CHAPTER 137.

RESOLVE DIRECTING THE COMMITTEE ON FOREIGN AFFAIRS TO INSTRUCT JONATHAN LORING AUSTIN TO PURCHASE GOODS FOR THE USE OF THE ARMY, TO INSURE THEM IF HE CAN, AND IF THERE BE ANY CHANCE OF A CONVOY TO CAUSE CAPT. SAMPSON, OR ANY OTHER MASTER ON WHOSE VESSEL HE SHALL SHIP THE SAME, TO DETAIN HIS SHIP A FORTNIGHT FOR THAT PURPOSE.

THE COMMITTEE appointed by the General Court to consider the conduct of Mr. Jonathan Loring Austin's letter beg leave to report by way of Resolve

ABRAHAM FULLER per Order

*Resolved*, That the Committee on foreign affairs be, and hereby are directed, to write to Mr. Jonathan Loring Austin to purchase the goods he was directed for the use of the army, and to direct him to insure the first cost of the goods, on the best terms he can, provided he can obtain money enough on loan for that purpose, but if not, to insure but one half the first cost; and in case he cannot procure money sufficient for the purpose last mentioned, then to ship the goods without any insurance. And in case there should be any chance of convoy, to direct him to cause Capt. Sampson, or any other master on board of whose vessel he shall ship goods, to detain his ship a fortnight for that purpose.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed September 9.*]

Legislative  
Records of the  
Council,  
xl., 552.  
Mass.  
Archives,  
ccxxviii., 492.  
Mass.  
Resolves,  
Sept. Session,  
chap. 4.

*Ante*, p. 454,  
chap. 1011;  
p. 573, chap. 104.

<sup>1</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 138.

RESOLVES EMPOWERING JAMES WILLIAMS, ESQ., TO SUPERINTEND THE CUTTING OF WOOD, DIGGING OF ORE, ETC., FROM LAND OF JOHN BORLAND, DECEASED, IN TAUNTON, AND HUGH ORR TO TAKE THE WOOD FROM LAND OF JOSIAH EDSON, ABSENTEE, IN BRIDGEWATER, FOR THE USE OF THE STATE FURNACES AT BRIDGEWATER, CAPT. NATHAN MITCHEL TO MAKE RETURN OF THE LATTER TO THE BOARD OF WAR.

Legislative  
Records of the  
Council,  
xl., 553.  
Mass.  
Archives,  
ccxxviii., 493.  
Mass.  
Resolves,  
Sept. Session,  
chap. 5.

Province  
Laws, xx., 265,  
chap. 695.

WHEREAS by a Resolve of this Court, passed January 31, 1778, the Committee of correspondence of the town of Taunton were empowered to superintend the cutting wood, digging ore, &c. for the use of the State furnaces in Bridgewater, from land lying in said town of Taunton, which was the property of John Borland, deceased, which Committee have since been discontinued in said town: Therefore

*Resolved*, That James Williams, Esq., be, and he is hereby empowered and directed, to do the duty assigned to said Committee by said Resolve.

And whereas it appears that the wood on a lot of land lying in Bridgewater, about one mile and a half from the State furnaces in said town, which did belong to the estate of Josiah Edson, absentee, may be profitably applied to the use of said furnaces:

*Resolved*, That Hugh Orr, Esq., be and he is hereby empowered to take the wood off said land for the use of said furnaces under his care, if he thinks it will be for the interest of the State, and that Capt. Nathan Mitchel, be and he is hereby empowered and directed to take an account of the quantity and value of the wood taken from said land, and make return thereof to the Board of War. [*Passed September 9.*]

## CHAPTER 139.

RESOLVE ALLOWING THE COLLECTORS OF THE TOWN OF HOPKINTON A FURTHER TERM OF FOUR WEEKS TO PAY IN THE FIRST MOIETY OF THE STATE AND CONTINENTAL TAX DUE JULY 15TH.

Legislative  
Records of the  
Council,  
xl., 554.  
Mass.  
Archives,  
ccxxviii., 496.  
Mass.  
Resolves,  
Sept. Session,  
chap. 6.

Mass.  
Archives,  
ccxxviii., 497.  
*Ante*, p. 543,  
chap. 57.

UPON THE PETITION of Gilbert Dench, in behalf of the inhabitants of the town of Hopkinton, praying for a further time beyond the 13th instant for paying the first moiety of the State and Continental tax, ordered in the tax bill to be paid into the treasury the 15th of July last, for reasons set forth in said petition:

*Resolved*, That the further time of four weeks from the said 13th inst. September, be and hereby is allowed the collectors of said town of Hopkinton, to pay in the first moiety of said tax; and [Henry Gardner, Esq.,]<sup>1</sup> the State Treasurer is hereby directed to stay his executions until that time accordingly. [*Passed September 11.*]

<sup>1</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 140.

RESOLVES DIRECTING THE BOARD OF WAR TO REPAIR THE STATE FURNACES FOR CASTING CANNON, SHOT AND SHELLS, GRANTING THEM £500 OF THE NEW MONEY FOR THE SAME AND EMPOWERING THEM, SHOULD THERE BE ANY NECESSARY DEMANDS FROM THE GENERAL OF ARTILLERY IN THE CONTINENTAL ARMY, TO CONTRACT FOR THE SAME.

ON THE PETITION of John Popkin setting forth that he is directed by Gen. [Henry]<sup>1</sup> Knox to procure shot and shells for public use and praying that the States furnaces may be set to work for that purpose:

*Resolved*, That the Board of War be, and they are hereby directed to repair the Furnaces for casting cannon, shot and shells belonging to this State as soon as may be; and that there be paid out of the public Treasury the sum of Five Hundred Pounds, of the new currency, to enable them to make such repairs as may be necessary, for which the said Board of War are to be accountable. And it is further

*Resolved*, That when the aforesaid furnaces are repaired and ready for working, should there be any necessary demands from [Henry Knox]<sup>1</sup> the General of the artillery in the Continental Army, for shot and shells for the use of the Continent, that the Board of War, in that case, may contract with such person as may be properly authorized from the General aforesaid, to furnish such quantity of shot and shells as may be wanted, agreeable to a Resolution of Congress for said purpose. [*Passed September 12.*<sup>2</sup>]

Legislative  
Records of the  
Council,  
xl., 553.  
Mass.  
Archives,  
ccxxviii., 498.  
Mass.  
Resolves,  
Sept. Session,  
chap. 13.  
Mass.  
Archives,  
ccxxviii., 499.

## CHAPTER 141.

RESOLVE PERMITTING FREEMAN GARDNER, PETER COFFIN AND SAMUEL HOPKINS OF CAPE SABLE, N. S., TO DISPOSE OF THEIR FISH; PURCHASE INDIAN CORN, RYE, RUM, MOLASSES, TOBACCO, WINE, ONIONS, APPLES, CIDER, AND EARTHENWARE AND TAKE THE SAME IN THEIR SHALLOP TO CAPE SABLE.

ON THE PETITION of Freeman Gardner, Peter Coffin, and Samuel Hopkins, Inhabitants of Cape-Sables:

*Resolved*, That the Petitioners have liberty to dispose of their fish, and to purchase the following articles, viz. thirty bushels of indian corn, ten bushels [of] rye, four barrels [of] rum, four barrels [of] molasses, six barrels [of] tobacco, one barrel of wine, four barrels of onions, ten bushels [of] apples, two barrels [of] cyder, and a small quantity of earthen ware, and no other articles, take the same on board their shallop, and that they be permitted to proceed with said vessel and goods to Cape-Sables. This Resolve to be in force until the 30th inst. and no longer. [*Passed September 12.*<sup>3</sup>]

Legislative  
Records of the  
Council,  
xl., 555.  
Mass.  
Archives,  
ccxix., 1.  
Mass.  
Resolves,  
Sept. Session,  
chap. 7.  
Mass.  
Archives,  
ccxix., 2.

<sup>1</sup> Heitman, Historical Register of Officers of the Continental Army, 1914.

<sup>2</sup> This date is same in Massachusetts Resolves, but is September 9 according to Legislative Records of the Council.

<sup>3</sup> This date is same in Legislative Records of the Council, but is September 11 according to Massachusetts Resolves.



## CHAPTER 142.

RESOLVE DIRECTING THE ASSESSORS OF THE TOWN OF WINTHROP TO ABATE ALL TAXES THAT HAVE OR SHALL BE ASSESSED ON THE INHABITANTS OF A PLANTATION CALLED LEWISTOWN FOR THE YEAR 1779, BUT NOT MAKING ANY ABATEMENT ON THE TAX IMPOSED ON SAID TOWN OF WINTHROP.

Legislative  
Records of the  
Council,  
xl., 555.  
Mass.  
Archives,  
ccxxix., 3.  
Mass.  
Resolves,  
Sept. Session,  
chap. 11.

ON THE PETITION of Lemuel Cummings and others, a Committee in behalf of the inhabitants of a new plantation called Lewistown, in the county of Lincoln, praying for an abatement of public taxes assessed on them by the Assessors of the town of Winthrop for the year 1779:

*Resolved*, That the prayer of said petition be granted, and that the Assessors of the said town of Winthrop be, and they are hereby ordered and directed, to abate all the public taxes that have or shall be assessed on the polls and estates of the said inhabitants of Lewistown for the year 1779. Provided nevertheless, That nothing in this Resolve shall be construed to extend to make any abatement in the taxes imposed on the town of Winthrop by the General Court. [*Passed September 12.*]

Mass.  
Archives,  
ccxxix., 1.

## CHAPTER 143.

RESOLVE GRANTING £30, NEW CURRENCY, TO OLIVER PEABODY, ESQ., ONE OF THE CLERKS OF THE SUPERIOR COURT, FOR HIS SERVICES AND EXPENSES FROM APRIL 1<sup>ST</sup> TO SEPTEMBER 1, 1780, THE FEES BEING VERY INADEQUATE ON ACCOUNT OF THE HIGH PRICES OF NECESSARIES.

Legislative  
Records of the  
Council,  
xl., 555.  
Mass.  
Archives,  
ccxxix., 5.  
Mass.  
Resolves,  
Sept. Session,  
chap. 9.

ON THE PETITION of Oliver Peabody, Esq., one of the Clerks of the Superior Court, representing, that on the account of the high prices of the necessities of life, the fees annexed to that office are very inadequate to his services and expences; and praying a further allowance therefor from the Government:

*Resolved*, That there be paid out of the public treasury of this State, to the said Oliver Peabody, the sum of thirty Pounds, of the new currency, in full for his said services and expences, from the 1<sup>st</sup> of April last to the 1<sup>st</sup> of Sept. 1780. [*Passed September 12.*]

Mass.  
Archives,  
ccxxix., 6.

## CHAPTER 144.

RESOLVE GRANTING £30, NEW CURRENCY, TO ANDREW HENSHAW, ESQ., ONE OF THE CLERKS OF THE SUPERIOR COURT, FOR HIS SERVICES AND EXPENSES FROM APRIL 1<sup>ST</sup> TO SEPTEMBER 1<sup>ST</sup>, 1780, THE FEES BEING VERY INADEQUATE ON ACCOUNT OF THE HIGH PRICES OF NECESSARIES.

Legislative  
Records of the  
Council,  
xl., 555.  
Mass.  
Archives,  
ccxxix., 8.  
Mass.  
Resolves,  
Sept. Session,  
chap. 8.

ON THE PETITION of Andrew Henshaw, Esq., one of the Clerks of the Superior Court, representing, that on the account of the high prices of the necessities of life, the fees annexed to that office are very inadequate to his services and expences, and praying a further allowance therefor from the government:

*Resolved*, That there be paid out of the public treasury of this State, to the said Andrew Henshaw, Esq. the sum of thirty Pounds, of the new emitted currency, in full for his said services and expences from the 1<sup>st</sup> day of April last to the 1<sup>st</sup> day of September, 1780. [*Passed September 12.*]

Mass.  
Archives,  
ccxxix., 9.



## CHAPTER 145.

RESOLVE DIRECTING THE BOARD OF WAR TO FIT OUT THE STATE GALLEY FOR THE CONVEYANCE OF REV. SAMUEL WILLIAMS, HOLLISIAN PROFESSOR OF MATHEMATICS AND NATURAL PHILOSOPHY AT THE UNIVERSITY IN CAMBRIDGE, AND OTHERS TO PENOBSCOT TO MAKE OBSERVATIONS ON THE ECLIPSE OF THE SUN OCTOBER 27<sup>TH</sup> AND REQUESTING THE COUNCIL TO WRITE TO THE BRITISH COMMANDER AT PENOBSCOT THAT THE IMPORTANT DESIGNS OF SAID OBSERVATIONS MAY NOT BE FRUSTRATED.

THE COMMITTEE of both Houses on the Petition of the Hon. James Bowdoin, Esq., and others beg leave to report the following Resolve:

JEREMIAH POWELL per Order

Whereas representation has been made to this Court by the Hon. James Bowdoin, Esq., and others, lovers of learning and mankind, that on the 27th day of October next, there will happen in the neighborhood of Penobscot, a central and total eclipse of the sun, a phænomenon never apparent in these States since their settlement, and as observations thereon may be of much consequence in science, particularly in geography and navigation; and that the Rev. Samuel Williams, Hollisian professor of mathematics and natural philosophy in the university at Cambridge in this State, will be ready to give his aid, with such assistance as may be proper, to make the necessary observations at the most convenient place near Penobscot: Therefore

*Resolved*, That the Board of War be, and they hereby are ordered and directed to fit out the State Galley, with proper stores and accommodation, for the conveyance of the Rev. Samuel Williams, Hollisian professor of the mathematics and natural philosophy, at the university at Cambridge, and such attendance as he may think proper to take with him, to make the desired observations on the central and total eclipse of the sun, which will happen on the said 27th day of October, at or near Penobscot, and that the Council be and they are hereby requested, to write proper letters to the British commander of the garrison at Penobscot, that the important designs of the said observations may not be frustrated.

In the House of Representatives

Read and Passed

In Council

Read and Concurred. [*Passed September 12.*]

Legislative  
Records of the  
Council,  
xl., 556.  
Mass.  
Archives,  
clxxxvi., 289.  
Mass.  
Resolves,  
Sept. Session,  
chap. 14.  
Mass.  
Archives,  
clxxxvi., 285,  
288; clxxxv.,  
98.

## CHAPTER 146.

RESOLVE DIRECTING THE TREASURER TO CONVERT ALL MONEYS, BORROWED ON THE ESTATES OF ABSENTEES BY THE COMMITTEE APPOINTED JUNE 19<sup>TH</sup> LAST, INTO THE NEW BILLS TO BE EMITTED ON THE CREDIT OF THIS STATE.

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be and he is hereby directed to cause without delay all the Monies which have been, or hereafter may be, borrowed on the estates of Absentees by the Committee appointed by a Resolution of this Court of the 19th day of June last for that purpose be converted into the new Bills to be emitted on the Credit of this State. [*Passed September 12.*]

Legislative  
Records of the  
Council,  
xl., 556.  
Ante, p. 557,  
chap. 79.

<sup>1</sup> Ante, p. 337, chap. 734.



## CHAPTER 147.

RESOLVE EMPOWERING THE REV. EPHRAIM WARD TO SELL SEVERAL UNIMPROVED LOTS OF LAND IN HUBBARDSTON DEVISED TO HIS INFANT SON PEMBERTON WARD BY SAMUEL PEMBERTON, ESQ., OF BOSTON, DECEASED.

Legislative  
Records of the  
Council,  
xl., 556.  
Mass.  
Archives,  
ccxix., 12.  
Mass.  
Resolves,  
Sept. Session,  
chap. 10.

Mass.  
Archives,  
ccxix., 13.

ON THE PETITION of the Rev. Ephraim Ward, of Brookfield, praying for liberty to dispose of several unimproved lots of land in Hubbardstown, in the county of Worcester (which were devised by the last will and testament of Samuel Pemberton, late of Boston, in the county of Suffolk, Esq., deceased, to Pemberton Ward, an infant son of the petitioner) for reasons set forth in said petition:

*Resolved*, That the prayer of said petition be granted; and that the said Ephraim Ward be empowered to make sale, and execute a deed or deeds of said lands, which shall convey the same to the purchaser or purchasers in fee simple, provided, that the said Ephraim Ward give sufficient caution to the Judge of Probate for the county of Worcester, that the amount of the sale of said unimproved lands shall be appropriated for the purchase of a real estate under improvement, for the use of his said son Pemberton Ward. [*Passed September 12.*]

## CHAPTER 148.

RESOLVE PERMITTING SARAH CALEF TO RETURN INTO THIS STATE IN THE FIRST CARTEL FROM PENOBSCOT.

Legislative  
Records of the  
Council,  
xl., 557.  
Mass.  
Archives,  
ccxix., 16.  
Mass.  
Resolves,  
Sept. Session,  
chap. 12.

Mass.  
Archives,  
ccxix., 14, 15.

ON THE PETITION of Robert Calef, praying for leave to go to Penobscot, and to return with his sister Sarah:

*Resolved*, That the prayer of said petition be so far granted as that the said Sarah Calef be permitted to return into this State in the first cartel from Penobscot. [*Passed September 13.*<sup>1</sup>]

## CHAPTER 149.

RESOLVE REMOVING THE SETTLING OF THE ESTATE OF MELATIAH BOURN, ESQ., LATE OF BOSTON, DECEASED, FROM THE PROBATE COURT AT BARNSTABLE TO THE PROBATE OFFICE OF SUFFOLK COUNTY AND DIRECTING THE EXECUTRIX TO FILE AN AUTHENTICATED COPY OF THE WILL AND PROBATE AND TO EXHIBIT AN INVENTORY AND HER ACCOUNTS IN SAID COUNTY OF SUFFOLK.

Legislative  
Records of the  
Council,  
xl., 557.  
Mass.  
Archives,  
ccxix., 18.  
Mass.  
Resolves,  
Sept. Session,  
chap. 15.

Mass.  
Archives,  
ccxix., 20

WHEREAS Mary Bourn, of Boston, in the county of Suffolk, widow, has represented to this Court, that her late husband, Melatiah Bourn, Esq., deceased, who was for some time, while living, an inhabitant of Boston, fled from said Boston while that town was in possession of the British troops, and died at Barnstable, and that the will of her late husband aforesaid, was proved in the Probate Court at Barnstable aforesaid, and that great inconvenience and charge will arise in settling the affairs of said deceased, unless the business can be removed from the Probate Court at Barnstable to the Court of Probate in the county of Suffolk: Therefore

*Resolved*, That the business of settling the estate of Melatiah

<sup>1</sup> This date is same in Legislative Records of the Council, but September 12 according to Massachusetts Resolves.



Bourn, Esq., late of Boston, be removed from the Probate Court at Barnstable to the Probate-Office of the county of Suffolk, and the executrix to the will of said Bourn, deceased, be, and hereby is directed, to lodge an authenticated copy of said will, and of the probate of the same, in the Probate-Office in the county of Suffolk, and also to exhibit an inventory of said estate, and her accounts, to the Judge of Probate of said county, who is hereby empowered to receive and pass upon the same, any law of this State to the contrary notwithstanding. [*Passed September 13.*]

## CHAPTER 150.

RESOLVE DIRECTING THE COMMITTEE ON ACCOUNTS TO CONSIDER THE ACCOUNTS OF SUNDRY PERSONS BELONGING TO SALEM FOR NURSING AND ATTENDING TWO SEAMEN OF THE STATE SHIP PROTECTOR, JOHN FOSTER WILLIAMS, COMMANDER.

ON THE PETITION of John Foster Williams, Esq., Commander of the State ship Protector, praying that the Committee on accounts may be directed to take the accounts of sundry persons belonging to Salem, for the nursing and attendance of two seamen belonging to said ship Protector, into consideration, and make such allowance thereon as to them may appear reasonable:

*Resolved*, That the prayer of said petition be granted, and that the Committee on accounts be directed to take said accounts into consideration, and make such allowance thereon as to them shall appear reasonable. [*Passed September 13.*]

Legislative  
Records of the  
Council,  
xl., 558.  
Mass.  
Archives,  
cccxix., 21.  
Mass.  
Resolves,  
Sept. Session,  
chap. 16.  
Mass.  
Archives,  
cccxix., 22.

## CHAPTER 151.

RESOLVES DIRECTING THE TREASURER TO ISSUE HIS EXECUTIONS AGAINST ALL COLLECTORS OF TAXES WHO ON THE 16TH OF OCTOBER NEXT ARE DEFICIENT FOR ANY TAXES PAYABLE ON OR BEFORE THE 15TH OF SEPTEMBER.

WHEREAS the exigencies of government are such as render it absolutely necessary that the Collectors of taxes should be punctual in their payments of taxes to the Treasurer of this State, at the time when said taxes become due: Therefore

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of the State be directed, and he is hereby accordingly directed, to issue his executions against all the Collectors of taxes in the counties of Suffolk, Essex and Middlesex, who shall be deficient in their payments on the 16th of October next, for any taxes that are payable on or before the 15th of September instant, and against the Collectors in all other parts of this State on the 1st of November, for any of the afore-mentioned taxes that may be due from them on that day. And it is further

*Resolved*, That nothing contained in this Resolve shall be considered as repealing the order of the honorable the Council to the Treasurer to issue his executions for the taxes due on the 15th of July last. And it is further

*Resolved*, That the Secretary be directed, and he is hereby accordingly directed to cause these Resolves to be immediately published in the Boston and Worcester news-papers, that all persons concerned may be duly notified hereof, and govern themselves accordingly. [*Passed September 13.*]

Legislative  
Records of the  
Council,  
xl., 558.  
Mass.  
Archives,  
cccxix., 23.  
Mass.  
Resolves,  
Sept. Session,  
chap. 18.

<sup>1</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 152.

Legislative  
Records of the  
Council,  
xl., 556.  
Mass.  
Archives,  
ccxxix., 26.  
Mass.  
Resolves,  
Sept. Session,  
chap. 19.

Mass.  
Archives,  
ccxxix., 25.  
*Ante*, p. 557,  
chap. 79;  
p. 562, chap. 90.

RESOLVE DIRECTING THE TREASURER TO PAY ALL THE GOLD AND SILVER, BORROWED ON THE ABSENTEES' ESTATES, TO THE COMMITTEE TO SUPERINTEND THE PURCHASE OF BEEF, ETC.

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be, and he is hereby directed to pay into the hands of Samuel Osgood, Esq., and others a Committee appointed to superintend the purchase of beef, &c. all the gold and silver which he has received or may receive from the Committee who are appointed to take up money on the credit of absentees estates, and the honorable Council are requested to grant warrants accordingly; the said Committee to be accountable for the expenditure of the same. [*Passed September 14.*]<sup>2</sup>

## CHAPTER 153.

Legislative  
Records of the  
Council,  
xl., 559.  
Mass.  
Archives,  
ccxxix., 27.  
Mass.  
Resolves,  
Sept. Session,  
chap. 23.

VOTE CHOOSING SILAS COBB AS SECOND MAJOR OF THE 4TH REGIMENT IN BRISTOL COUNTY.

In the House of Representatives

The House, by Ballot, made choice of Silas Cobb, as Second Major of the 4th Regiment of Militia in the County of Bristol.

In Council

Read and Concurred. [*Passed September 14.*]

## CHAPTER 154.

Legislative  
Records of the  
Council,  
xl., 559.  
Mass.  
Archives,  
ccxxix., 23.  
Mass.  
Resolves,  
Sept. Session,  
chap. 20.

RESOLVE GRANTING £3. 6s., NEW EMISSION, TO MARGARET POWER IN FULL OF THE LIFE PENSION GRANTED HER HUSBAND DAVID POWER TO APRIL 1, 1780, HE BEING DISABLED AT CAPE BRETON IN 1745.

ON THE PETITION of Margaret Power:

*Resolved*, That there be paid out of the public Treasury of this State, the sum of three Pounds six Shillings in the new emission, to Margaret Power, which is to be in full to April 1, 1780, of the pension granted to David Power, husband to said Margaret, who was made a pensioner for life in a former Assembly of this State for his being disabled in the expedition against Cape Breton in the year 1745. [*Passed September 14.*]

Mass.  
Archives,  
ccxxix., 29.  
Province  
Laws, xx., 58,  
chap. 136.

## CHAPTER 155.

RESOLVE PERMITTING SAMUEL LONGFELLOW, A PRISONER OF THIS STATE AT NEW YORK, TO RETURN, HIS EXCLUSION BEING A MISTAKE.

Legislative  
Records of the  
Council,  
xl., 559.  
Mass.  
Archives,  
ccxxix., 38.

WHEREAS the name of Samuel Longfellow was inserted in an Act passed the 16th of October, 1778, intituled, An Act to prevent the return to this State of certain persons therein named, and others, who have left this State, or either of the United States, and

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> This date is same in Massachusetts Resolves, but is September 12 according to Legislative Records of the Council.



joined the enemies thereof. And whereas it appears to this Court by a deposition, certificate and other papers, that said name was inserted through a mistake: Therefore

*Resolved*, That Samuel Longfellow be and hereby is permitted to return to this State from New-York, where he is now detained as a prisoner of this State, the exclusion act aforesaid notwithstanding. [*Passed September 14.*]

Mass.  
Resolves,  
Sept. Session,  
chap. 21.

Mass.  
Archives,  
ccxxix., 36.  
Province  
Laws, v., 912,  
chap. 24.

## CHAPTER 156.

RESOLVE PERMITTING HENRY BAYLY LUDLOW OF JAMAICA TO COME TO BOSTON.

THE COMMITTEE of both Houses on the letter of Mr. Henry Bayly Ludlow respecting his being permitted to come to Boston for purposes mentioned in Mr. Fitch's letter have made inquiry of several Gentlemen of the characters both of Mr. Fitch and Mr. Ludlow and are fully satisfied that both of those Gentlemen are friendly to America and that there will be no danger to America in admitting Mr. Ludlow to come to Boston. The Committee therefore report the following Resolve:

*Resolved*, That Mr. Henry Bailey [Bayly]<sup>1</sup> Ludlow be, and he hereby is permitted to come to Boston, for the purposes mentioned in Mr. [Eliphalet]<sup>2</sup> Fitch's letter to the Hon. James Bowdoin, Esq.

In Council

Read and Accepted.

In the House of Representatives

Read and Concurred. [*Passed September 14.*]

[The letter follows:]

KINGSTON JAMAICA May 20<sup>th</sup> 1780

SIR

I beg leave to introduce to you my Friend and Partner Mr Ludlow, who is to go from New York to Boston, to see my Mother and my dear little Boy. Mrs. Fitch is very unhappy that I cannot leave Jamaica, and has prevailed on me to send for him.

I hope your Friendship to me and the good Offices I have rendered to the Unfortunate, who have been taken Prisoners and brought to this Island, will induce you to give your kind Assistance, in order to fulfil my Intentions on this Occasion.

I am most respectfully

Sir

Your most obed<sup>t</sup> Serv<sup>t</sup>

ELIPH<sup>t</sup> FITCH

Massachusetts Archives, ccxxix., 40.

Hon<sup>ble</sup> JAMES BOWDOIN Esq.  
[Copy]

## CHAPTER 157.

RESOLVE PERMITTING JOSEPH HOMER, ATTORNEY, TO BRING FROM CAPE PERSUE AND BARRINGTON, N. S., ANY ESTATE HE HAS IN HIS HANDS BELONGING TO THE HEIRS OF THE HON. JAMES PITTS, ESQ., IN SALT, CASH OR FISH.

ON THE PETITION of Hon. John Pitts, Esq., Praying that his attorney, Joseph Homer, may be permitted to bring certain effects from Nova-Scotia:

*Resolved*, That the said Joseph Homer, attorney to the Hon. John Pitts, Esq., be, and he is hereby permitted, to bring into this State, from Cape-Persue and the town of Barrington, in Nova-

Legislative  
Records of the  
Council,  
xl., 554.  
Mass.  
Archives,  
ccxxix., 52.  
Mass.  
Resolves,  
Sept. Session,  
chap. 25<sup>t</sup>.

<sup>1</sup> Massachusetts Archives, ccxxix., 41.

<sup>2</sup> *Ibid.*, 40.



Mass.  
Archives,  
ccxxix., 50.

Scotia, any effects he has in his hands, being the property of the heirs of the late Hon. James Pitts, Esq., deceased, in salt, cash, or fish; and all Commanders of armed vessels belonging to this State are directed, and those of the United States and of our illustrious Allies are requested, not to molest or impede the said Joseph Homer, in his bringing to this State the said effects. Provided nevertheless, That this permit shall not be construed to extend for the security of any other property than what is therein-mentioned, or be in force for any purpose longer than the 20th day of December next. [*Passed September 15.*<sup>1</sup>]

## CHAPTER 158.

RESOLVE PERMITTING JOSEPH WELSH AND HIS FAMILY TO GO TO NEW YORK IN THE FIRST CARTEL.

STATE OF THE MASSACHUSETTS BAY.

Legislative  
Records of the  
Council,  
xl., 558.  
Mass.  
Archives,  
ccxxix., 48, 49.  
Mass.  
Resolves,  
Sept. Session,  
chap. 17.

To the Honourable the Council and Representatives of said State Humbly shews, Joseph Welch [Welsh]<sup>2</sup> of Cambridge in the County of Middlesex in said State That He has a Wife and Seven children who depend upon him for Support and Maintenance, That his Business which is that of a Painter and Glazier hath entirely failed as there is no Building or Repairing now carried on, whereby he is greatly reduced and impoverished, That he is now unable to support himself and Family and pay his Taxes, That your Petitioner has Money due to him in New York and has many Friends and Acquaintances there, by whom he is informed that he may carry on his Business there to great Advantage to himself and Family. Wherefor your Petitioner humbly prays your Honours that he may have Liberty to transport himself and Family to New-York in the first Cartel that shall sail for that Place or in such other Manner as shall be convenient.

And as in Duty bound shall ever pray

CAMBRIDGE August 1780.

JOSEPH WELSH

THE COMMITTEE of both Houses appointed to consider the foregoing Petition have attended that service and beg leave to report the following Resolve

BENJAMIN WHITE per Order

On the Petition of Joseph Welch [Welsh of Cambridge:]<sup>2</sup>

*Resolved*, That Joseph Welch [Welsh]<sup>2</sup> be, and is hereby permitted to transport himself and family to New-York, in the first cartel that may sail to that place, agreeable to his petition, and not to return again.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed September 15.*<sup>3</sup>]

<sup>1</sup> This date is same in Massachusetts Resolves, but is September 11 according to Legislative Records of the Council.

<sup>2</sup> See signature of petition.

<sup>3</sup> This date is same in Massachusetts Resolves, but September 13 according to Legislative Records of the Council.



## CHAPTER 159.

RESOLVES INCREASING THE FINE FOR DEFICIENCY OF SIX MONTHS' MEN FOR THE CONTINENTAL ARMY, ALLOWING THE PROCURING OF SAME FROM TOWNS WHOSE QUOTAS ARE FILLED, ESTABLISHING AS AN INHABITANT ONE OF THREE MONTHS' RESIDENCE AND STOPPING THE FURTHER EXERTIONS OF TOWNS TO RAISE THREE MONTHS' MEN.

THE COMMITTEE of both Houses, to whom the message from the honorable the major part of the Council was referred, have attended the service in part and take leave to report the following Resolve relative to compleating the battalions raised in this State and ask leave to sett again all which is Submitted

THOMAS CUSHING per Order

Whereas it appears by letters from his Excellency Gen. Washington, that this State is greatly deficient in the number of men assigned them to compleat their battalions in the Continental Army, and this deficiency arises from many towns and plantations neglecting to furnish their respective quotas of men as required of them; and as it is absolutely necessary in order to enable our Army vigorously to co-operate with that of our illustrious Ally, that there should be no delay in compleating our Continental battalions; Therefore

*Resolved*, That every town and plantation in this State, which shall not have furnished the number of men assigned to them respectively by two Resolves of this Court, one of the 5th and the other of the 23rd of June last, by the 20th day of October next, shall not only be subject to pay the average price of raising said men mentioned in the said Resolve of the 5th of June, but shall also, in addition thereto, and in addition to all the penalties incurred by a non-compliance with the Resolves aforesaid, be fined a sum equal to the said average price, for every man they shall be so deficient on the said 20th day of October next, which several sums shall be added to such deficient town or plantation's proportion of the next State tax.

And in order that there may be no delay in procuring the said men, the several towns and plantations, which have not as yet furnished their respective quotas of men required by the Resolutions aforesaid, have liberty to procure the number of which they are respectively deficient, in any other town or plantation within this State, which hath already furnished its full complement, provided the selectmen or committee of such town or plantation, or the superintendant of the county in which such town or plantation lieth, shall previously certify that such town or plantation hath furnished its full compliment of men, any Resolve of this Court to the contrary notwithstanding.

And as an encouragement to the Selectmen, Committees, Militia Officers, towns and plantations, who have been deficient in procuring their respective quotas of men agreeably to said Resolutions of the 5th and 23rd of June last, to make every exertion to comply therewith, it is further

*Resolved*, That in all those instances where the full quota of men shall be procured by the said 20th day of October next, such selectmen, committees, militia officers, towns and plantations, shall be, and hereby are exempted from any penalty whatsoever, incurred by not complying with the Resolutions of the 5th and 23rd of June aforesaid, any Resolve of this Court to the contrary notwithstanding.

And for removing any doubts which may have arisen, or which

Legislative  
Records of the  
Council,  
xl., 562.

Mass.  
Archives,  
ccxxix., 44.

Mass.  
Resolves,  
Sept. Session,  
chap. 27.

Mass.  
Archives,  
ccxxix., 42.  
*Ante*, p. 519,  
chap. 11; p. 568,  
chap. 103;  
p. 575,  
chap. 110.



may hereafter arise, in consequence of said Resolves, respecting inhabitancy, it is further

*Resolved*, That any person living or residing in any town or plantation within this State, the term of three months together, shall be considered as an inhabitant of such town or plantation where he last resided the term aforesaid.

And whereas some towns and plantations in this State have neglected to furnish their full quotas of men ordered to be detached from the militia for three months, by a Resolution of this Court of the 22nd of June last; and as the time of service of the battalions in which they were to serve is so near expiring that completing the same will be of little service:

*Resolved*, That such deficient towns and plantations be, and they are hereby respectively directed, to desist from any further exertions in pursuance of the same Resolution. Provided, That nothing in this Resolution shall be construed to extend to exempt towns or plantations from the penalties incurred by the Resolve of the 22d June last. [*Passed September 15.*]

## CHAPTER 160.

RESOLVE PERMITTING SARAH JOHONNOT AND HER MAID SERVANT TO GO TO HALIFAX.

THE COMMITTEE to whom was referred the petition of Sarah Johonnot report the following Resolve which is humbly submitted  
AARON WOOD per Order.

On the Petition of Sarah Johonnot praying that she may be allowed to proceed to Halifax by the first convenient opportunity accompanied with one maid servant only:

*Resolved*, That the prayer of the petition be granted, and that Sarah Johonnot be, and hereby is permitted, to depart this State and proceed to Halifax, by the first convenient opportunity, taking with her her maid servant to accompany her.

In Council

Read and Accepted.

In the House of Representatives

Read and Concurred. [*Passed September 18.*]<sup>1</sup>

## CHAPTER 161.

RESOLVE GRANTING £67. 10s. TO JOHN JACOBS FOR BOUNTY OF A NINE MONTHS' MAN, HIS APPRENTICE BENJAMIN PUTNAM, AND FOR HIS BLANKET AND KNAPSACK FOUND BY SAID JACOBS.

ON THE PETITION of John Jacobs, praying he may be empowered to draw the bounty and pay for a bounty, blanket, &c. for the service of his apprentice, Benjamin Putnam, who served in the Continental Army nine months, as per his certificate from his officer, and as set forth in said petition:

*Resolved*, That the prayer of the petition be granted, and there be paid out of the public treasury of this State, to Amos Singletary, Esq., for the use of the petitioner, the sum of sixty Pounds, the bounty for a nine months man (so called) and also a further sum of seven Pounds ten Shillings, for his blanket and knapsack, he the said Jacobs found for said apprentice. [*Passed September 18.*]

<sup>1</sup> This date is September 15 according to Legislative Records of the Council and Massachusetts Resolves.

Legislative  
Records of the  
Council,  
xl., 561.  
Mass.  
Archives,  
ccxxix., 53.  
Mass.  
Resolves,  
September  
Session,  
chap. 26.

Mass.  
Archives,  
ccxxix., 54.

Legislative  
Records of the  
Council,  
xl., 563.  
Mass.  
Resolves,  
Sept. Session,  
chap. 31.



## CHAPTER 162.

## RESOLVE ALLOWING THE ACCOUNTS OF THE TREASURER OF MIDDLESEX COUNTY.

WHEREAS it appears upon examination of the accounts of the Treasurer of the county of Middlesex, that all the monies granted and allowed by the Court of General Sessions of the Peace for said county, for the year 1779, were for such purposes and appropriations as the law empowered said Court to grant: Therefore

*Resolved*, That said accounts be allowed. [*Passed September 18.*]

Legislative  
Records of the  
Council,  
xl., 563.  
Mass.  
Archives,  
ccxxix., 55.  
Mass.  
Resolves,  
Sept. Session,  
chap. 29.

## CHAPTER 163.

RESOLVES DIRECTING THE COMMITTEE TO SETTLE WITH THE ARMY TO SETTLE THE ACCOUNTS OF LIEUT. WILLIAM ANDREWS, NOW PRISONER IN NEW YORK, TO DEC. 31<sup>ST</sup>, 1779, AND REQUESTING THE COUNCIL TO RECOMMEND THE DEPUTY QUARTERMASTER GENERAL TO SUPPLY HIS RATIONS OF WOOD FOR THE ADVANTAGE OF HIS WIFE CHRISTIAN ANDREWS.

ON THE PETITION of Christian Andrews:

*Resolved*, That the Committee appointed to settle the depreciation with the officers, &c. of the army, be directed to settle the accounts of William Andrews, Lieutenant in Col. [John]<sup>1</sup> Crane's regiment of artillery, husband to said Christian, now prisoner at New-York, to the 31<sup>ST</sup> of December, 1779, and certify the same to the honorable Council. And it is further

*Resolved*, That the honorable the Council be requested to recommend to the Deputy-Quarter-Master-General to supply the rations of wood that may become due to said Andrews, for the advantage of said Christian, for reasons set forth in her petition, and charge the same to the United States. [*Passed September 18.*]

Legislative  
Records of the  
Council,  
xl., 564.  
Mass.  
Archives,  
ccxxix., 60.  
Mass.  
Resolves,  
Sept. Session,  
chap. 32.  
Mass.  
Archives,  
ccxxix., 61.

## CHAPTER 164.

RESOLVE CONFIRMING THE DOINGS OF RICHARD MAYBERRY OF WINDHAM AS AN ASSESSOR IN 1773 THOUGH HE DID NOT TAKE OATH TILL FEB. 24, 1774, AND WAS COLLECTOR OF TAXES AT THE SAME TIME.

ON THE PETITION of Richard Mayberry, of Windham, representing, that in March, A.D. 1773, he was chosen an Assessor of that town, but having accepted the office of Collector of taxes, to which he was then chosen the same year, he judged it improper to take the oath of Assessor until the 24<sup>TH</sup> February following: That he then took the oath of Assessor, to prevent any difficulty which might arise from his neglect to take the same, and praying that his doings in said office of Assessor might be rendered valid, notwithstanding such neglect, and notwithstanding his being a Collector at the same time:

*Resolved*, That the doings of said Mayberry, in the office of Assessor as aforesaid, for the year aforesaid, shall not be considered as invalid on account of his neglect to take the oath as above-mentioned, or of his being a Collector at the same time. [*Passed September 18.*]

Legislative  
Records of the  
Council,  
xl., 564.  
Mass.  
Archives,  
ccxxix., 56.  
Mass.  
Resolves,  
Sept. Session,  
chap. 33.  
Mass.  
Archives,  
ccxxix., 57-59.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, i., 261.



## CHAPTER 165.

RESOLVE GRANTING £18. 3s. NEW MONEY TO GEN. FELLOWS FOR MONIES BY HIM PAID TO EXPRESSES ON PUBLIC SERVICE TO THIS DAY.

Legislative  
Records of the  
Council,  
xl., 564.  
Mass.  
Archives,  
ccxxix., 66.  
Mass.  
Resolves,  
Sept. Session,  
chap. 28.

ON THE PETITION of John Fellows, Brigadier-General of the militia in the county of Berkshire, setting forth the many applications to him made, and the services by him done in his said capacity, and the monies by him paid to public expresses:

*Resolved*, That there be paid out of the public treasury of this State, to the said John Fellows, the sum of eighteen Pounds and three Shillings, in the new money issued on the credit of this State, in pursuance of an act of Congress of the 18th of March last, in full compensation for all monies by him paid to expresses on public service to this day. [*Passed September 18.*]

## CHAPTER 166.

ORDER DECLARING IT EXPEDIENT TO APPOINT, IN THE PRESENT SESSION OF THE GENERAL COURT, DELEGATES TO REPRESENT THIS STATE IN CONGRESS UNTIL NOVEMBER 1st, 1781.

Legislative  
Records of the  
Council,  
xl., 564.  
Mass.  
Archives,  
ccxxix., 66.  
Mass.  
Resolves,  
Sept. Session,  
chap. 30.

In the House of Representatives

*Ordered*, That Mr [Theodore]<sup>1</sup> Sedgwick and Mr. [Caleb]<sup>2</sup> Davis of Boston, with such as the Honorable Board shall join, be a Committee to consider the expediency of appointing, in the present Session of this Court, Delegates to represent this State in Congress, until the 1st November, 1781

In Council

Read and Concurred and Timothy Danielson, Esq., is joined.

The Committee of both Houses to whom was referred the annexed Order, have considered the same and report That it is expedient to appoint in the present Session of the General Court, Delegates to represent this State in Congress untill the 1st Day of November, 1781.

TIMOTHY DANIELSON per Order

In Council

Read and Accepted.

In the House of Representatives

Read and Concurred. [*Passed September 18.*]

## CHAPTER 167.

RESOLVE SETTING A HEARING ENABLING THE MARITIME COURT OF THIS STATE TO CARRY INTO EFFECT DECREES OF THE CONGRESSIONAL COURT OF APPEALS RELATING TO THE SHIPS VALENCIANA, DE LA MERCED AND SANTANDER OF CADIZ.

Legislative  
Records of the  
Council,  
xl., 568.  
Mass.  
Archives,  
ccxxix., 62.  
Mass.  
Archives,  
ccxxix., 63.

ON THE PETITION of John Holker, by Daniel Bell his Attorney, praying, that the powers of the Maritime Court of this State may be so far extended as to enable the Judge thereof to carry into effect certain decrees therein mentioned of the Congressional Court of Appeals:

*Resolved* That the captors of the three ships viz: the Valen-

<sup>1</sup> Of Sheffield, *ante*, p. 14.

<sup>2</sup> *Ante*, p. 12.



ciana, the De La Merced and the Santander, be notified by serving a copy of the said Petition and this Resolve on them to make their appearance before this Court on Friday next at nine o'clock forenoon to shew cause if any they have wherefore the prayer of the said Petition should not be granted. [*Passed September 18.*]

## CHAPTER 168.

RESOLVE PERMITTING DAVID SMITH TO CARRY RUM, MOLASSES AND TOBACCO TO BARRINGTON, N. S., IN HIS VESSEL.

ON THE PETITION of David Smith praying he may have leave to carry in his vessel to Barrington in Nova-Scotia sundry articles therein mentioned:

*Resolved*, That the prayer of the petition be so far granted that the said David Smith be, and hereby is permitted to take on board said vessel two casks rum, two casks molasses, and one cask tobacco, also provisions sufficient for himself and people for fifteen days and to proceed with the said vessel and goods to Barrington, in Nova-Scotia, and that the Naval-Officer be, and hereby is directed to see that this Resolve is strictly adhered to and nothing be taken on board more than is mentioned in this permit. [*Passed September 19.*]<sup>1</sup>

Legislative  
Records of the  
Council,  
xl., 561.  
Mass.  
Archives,  
ccxxix., 67.  
Mass.  
Resolves,  
Sept. Session,  
chap. 24.

Mass.  
Archives,  
ccxxix., 68-70.

## CHAPTER 169.

RESOLVE PERMITTING ALEXANDER BAIN TO CARRY SUGAR, MOLASSES AND RUM TO YARMOUTH, N. S., IN HIS VESSEL.

ON THE PETITION of Alexander Bain, praying he may have liberty to carry in his vessel to Nova-Scotia sundry articles therein mentioned:

*Resolved*, That the prayer of the petition be so far granted that the said Alexander Bain be, and hereby is permitted to take on board said vessel, one barrel sugar, one hogshead molasses, and one cask rum, also provisions sufficient for himself and people for fifteen days and to proceed with said vessel and goods to Yarmouth in Nova-Scotia, and that the Naval-Officer be, and hereby is directed to see that this Resolve is strictly adhered to, and nothing is taken on board more than is mentioned in this permit. [*Passed September 19.*]<sup>1</sup>

Legislative  
Records of the  
Council,  
xl., 561.  
Mass.  
Archives,  
ccxxix., 78.  
Mass.  
Resolves,  
Sept. Session,  
chap. 25.  
Mass.  
Archives,  
ccxxix., 79-81.

## CHAPTER 170.

RESOLVE PERMITTING JAMES KILLEY TO CARRY MOLASSES, RUM, TOBACCO AND SUGAR TO NOVA SCOTIA IN HIS VESSEL.

ON THE PETITION of James Kelly, [Killey, of Cape Porcu]<sup>2</sup> praying he may have liberty to carry in his vessel to Nova-Scotia sundry articles mentioned:

*Resolved*, That the prayer of the petition be so far granted, that the said James Kelly [Killey]<sup>2</sup> be, and hereby is permitted, to take on board said vessel one cask [of] molasses, one cask of rum, one cask of tobacco, and one barrel [of] sugar, also provisions sufficient for himself and people for fifteen days, and to proceed with said

Legislative  
Records of the  
Council,  
xl., 565.  
Mass.  
Archives,  
ccxxix., 71.  
Mass.  
Resolves,  
Sept. Session,  
chap. 34.

Mass.  
Archives,  
ccxxix., 71a.

<sup>1</sup> This date is September 14 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>2</sup> Massachusetts Archives, ccxxix., 71a.



vessel and goods to Nova-Scotia, and that the Naval-Officer be, and hereby is directed, to see this Resolve strictly adhered to, and nothing be taken on board more than is mentioned in this permit. [*Passed September 19.*]

## CHAPTER 171.

RESOLVE EMPOWERING COURTS OF LAW IN CASES WHERE CALEB GRAFFAM, AS COLLECTOR OF TAXES OF WINDHAM IN 1773, IS INTERESTED AND PROOF OF NOTIFICATIONS IN THREE TOWNS IS REQUIRED, TO ACCEPT THE OATH OF SAID GRAFFAM THAT SUCH WERE POSTED IN MARBLEHEAD WITH OTHER PROOF THAT SAME WAS DONE IN FALMOUTH AND WINDHAM.

Legislative  
Records of the  
Council,  
xl., 565.  
Mass.  
Archives,  
ccxxix., 72.  
Mass.  
Resolves,  
Sept. Session,  
chap. 44.

Mass.  
Archives,  
ccxxix., 73-77.  
Province  
Laws, v., 304,  
chap. 13.

ON THE PETITION of Caleb Graffam, of Windham, in the county of Cumberland, representing that in the year 1773, he was chosen by the said town of Windham, to collect the sums assessed on the Hundred acre lots there, agreeably to an Act of the General Court, intituled, "An act empowering the assessors of the town of Windham, in the county of Cumberland, to assess yearly, for the three years next ensuing, one Penny half Penny per acre, on every of the Hundred acre lots in said town already lotted out and not otherwise taxed, ministerial and school lands in said town excepted;" that he posted up copies of the lists of assessments committed to him by the Assessors, as in and by said act were directed, in the towns of Windham, Falmouth and Marblehead; that he can procure evidence of his having posted up such notifications in the towns of Windham and Falmouth, but on the account of the death and removal of a great number of persons who then lived in Marblehead, he finds himself unable to obtain sufficient evidence of their being posted up there, and therefore praying the Court to determine with respect to the evidence of such notifications in causes at law wherein he may be interested:

*Resolved*, That in all causes or actions at law, wherein the said Caleb Graffam [Graffam]<sup>1</sup> shall be interested, and wherein the proof of notifications as above-mentioned being posted up at the three towns aforesaid shall be required, the oath of the said Caleb that the same were posted up in the town of Marblehead, together with other proof that they were posted up in the towns of Falmouth and Windham, shall be accounted sufficient evidence; and the several Courts of law within this State, wherein such cause or action may be depending, are hereby empowered and directed, to receive the same so accordingly. [*Passed September 19.*]

## CHAPTER 172.

RESOLVE APPOINTING A COMMITTEE TO ENQUIRE INTO THE CLAIM OF MICAH HOSKIN FOR SEVERAL TRACTS OF LAND, AND IN CASE THEY FIND THE SAME TRUE TO RETURN A PLAT OF SAID LANDS AND THE TRUE VALUE AS UNIMPROVED LAND TO THE SECRETARY'S OFFICE.

ON THE PETITION of Micah Hoskins [Hoskin],<sup>2</sup> praying for the confirmation of several tracts of land, [in Sheffield, which he purchased from Elias Willard in 1776],<sup>2</sup> for reasons therein particularly expressed:

Legislative  
Records of the  
Council,  
xl., 566.  
Mass.  
Archives,  
ccxxix., 82.

<sup>1</sup> Massachusetts Archives, ccxxix., 73.

<sup>2</sup> *Ibid.*, 83.



*Resolved*, That John Bacon, John Fellows, and William Whiting, Esq's. be appointed a Committee, at the expence of the petitioners, to enquire into the truth of the facts alledged in said petition, and in case they shall find the same to be true, that the said Committee return into the Secretary's-office, as soon as may be, a plat of the several tracts of land mentioned in the said petition, and the true value of the same land, considered as in an unimproved state. [Passed September 19.]

Mass.  
Resolves,  
Sept. Session,  
chap. 35.

Mass.  
Archives,  
ccxxix., 83.

## CHAPTER 173.

RESOLVES FOR PAYING THE OFFICERS AND MEN OF THE STATE SHIP PROTECTOR IN HER LAST CRUISE THIRTY TIMES THE SUM ALLOWED IN THE ESTABLISHMENT OF THIS STATE'S NAVY IN CONTINENTAL CURRENCY OR ONE-FORTIETH PART OF SAID SUM IN NEW MONEY AND EXTENDING THE SAME FOR FUTURE SERVICE TO ALL OFFICERS AND MEN ON BOARD STATE SHIPS, AND DIRECTING THE BOARD OF WAR TO ALLOW CAPT. WILLIAMS AND HIS OFFICERS THE SAME NUMBER OF RATIONS AS WAS IN FORCE BEFORE JANUARY 13<sup>TH</sup> LAST AND EXTENDING THE SAME FOR FUTURE SERVICE TO ALL OFFICERS AND MEN IN THE NAVAL SERVICE OF THIS STATE.

ON THE PETITION of John Foster Williams, Commander of the State ship Protector, praying for an addition to the wages of the officers and men belonging to said ship:

*Resolved*, That there be allowed and paid to the officers and men who were on board the ship Protector in her last cruise, thirty times the sum which is allowed in the establishment for the navy of this State, to be paid in the present Continental currency, or one-fortieth part of said sum in the new money; and the Committee on muster-rolls are hereby directed, to make up the muster-roll for said ship's company accordingly; and the Committee aforesaid are further directed, to make up the rolls of the wages of the officers and men on board any of the State ships, for future services, at the same rate as is allowed by this Resolve to the officers and men of the ship Protector in her late cruise. And it is further

Legislative  
Records of the  
Council,  
xl., 566.  
Mass.  
Archives,  
ccxxix., 84.  
Mass.  
Resolves,  
Sept. Session,  
chap. 38.

Mass.  
Archives,  
ccxxix., 86.  
*Ante*, p. 357,  
chap. 778.

*Resolved*, That the Board of War be directed, and they are hereby accordingly directed, to allow Capt. Williams and his officers, for the time they have belonged to the ship Protector, the same number of rations that were allowed to them before the passing the Resolve of the 13th of January last, for lessening the number of rations to be allowed to the several officers in the service of this government; and the Board of War are hereby also further directed, in future, to allow all the officers in the naval service of this State, the same number of rations that were allowed to them before the passing the Resolve of the 13th of January aforesaid. [Passed September 19.]



## CHAPTER 174.

RESOLVE EMPOWERING THOMAS CHILD, ESQ., TO PROCURE A SURVEY OF LAND IN FALMOUTH BELONGING TO FRANCIS WALDO, AN ABSENTEE, AND TO MAKE SALE OF SAID LAND TO JOHN STARBIRD AT 40s. PER ACRE IN SILVER MONEY WITH LAWFUL INTEREST FROM OCTOBER 10, 1774, DEDUCTING £9 PAID AT THAT TIME BY SAID STARBIRD TO SAID WALDO AS PART CONSIDERATION FOR THE SAME.

Legislative  
Records of the  
Council,  
xl., 566.  
Mass.  
Archives,  
ccxix., 87.  
Mass.  
Resolves,  
Sept. Session,  
chap. 41.

Mass.  
Archives,  
ccxix., 87-89.

ON THE PETITION of John Stirbird [Starbird of Falmouth, Cumberland County,]<sup>1</sup> representing that on the 10th day of October, 1774, he made an agreement with Francis Waldo (an absentee) for certain land in said Falmouth; praying that some person may be appointed to cause said land to be surveyed and conveyed to him, agreeable to the tenor of said agreement:

*Resolved*, That the prayer of the petition be granted, and that Thomas Child, Esq., be and he is hereby impowered to procure a survey of said land, and make and execute a good and lawful deed thereof to the said John Starbird, his heirs and assigns, at the rate of forty Shillings per acre, in silver money, with lawful interest for the same from October 10, 1774, deducting therefrom nine Pounds, which appears to this Court was at that time paid by the said John Stirbird to the said Francis Waldo, in part consideration for said land, and that the said Thomas Child, Esq., pay into the Treasury of said State the sum arising by said sale, for the use of said State. [*Passed September 19.*]

## CHAPTER 175.

RESOLVE EMPOWERING THE GUARDIAN OF DEBORAH WILDER, DECEASED, AN INFANT DAUGHTER OF JOHN WILDER, DECEASED, OF ASHBURNHAM TO MAKE SALE OF TWO-THIRDS OF AN HUNDRED ACRES OF WILD LAND IN CHARLEMONT AND OF NINE ACRES IN LANCASTER, AND AFTER THE TAXES ON SAID ESTATE ARE PAID TO PUT THE OVERPLUS AT INTEREST FOR THE BENEFIT OF HER HEIRS.

Legislative  
Records of the  
Council,  
xl., 567.  
Mass.  
Archives,  
ccxix., 90.  
Mass.  
Resolves,  
Sept. Session,  
chap. 43.

Mass.  
Archives,  
ccxix., 91.  
Province  
Laws, ii., 151,  
chap. 10.

ON THE PETITION of Gardner Wilder, guardian of Deborah Wilder, deceased, an infant daughter of John Wilder, late of Ashburnham, deceased, praying that he may be empowered to make sale of two-thirds of an Hundred acre lot of wild land, lying in Charlemont, and two-thirds of nine acres of land lying in Lancaster, for reasons set forth in the said petition:

*Resolved*, That the prayer of the petition be granted, and that the petitioner, Gardner Wilder, be, and he is hereby empowered, to make sale of the two-thirds of the said Deborah's real estate, as mentioned in his petition, for the most the same will fetch, and make and execute good deed or deeds thereof, to the purchaser or purchasers, observing the rules and directions of the law for the sale of real estate by executors and administrators, and give security to the Judge of Probate for the county of Worcester, that the proceeds of said sale shall be applied to the payment of taxes on the estate of the said Deborah, and the overplus be put to interest for the benefit of the heirs of the said Deborah. [*Passed September 19.*]

<sup>1</sup> Massachusetts Archives, ccxix., 88.



## CHAPTER 176.

RESOLVES GRANTING THE ADMINISTRATORS, WITH THE WILL ANNEXED, OF JEREMIAH MOULTON LATE OF YORK, DECEASED, THE SAME POWERS TO SELL LANDS FOR THE PAYMENT OF HIS DEBTS AS IF THEY WERE HIS EXECUTORS AND EMPOWERING THE JUDGE OF PROBATE OF YORK COUNTY TO ASSIGN TO THE CHILDREN OF HIS SON JOTHAM, DECEASED, THE LANDS AND TENEMENTS IMPROVED BY THEIR FATHER, AND TO SAID CHILDREN AND THE CHILDREN OF HIS SON THOMAS, DECEASED, WHAT THEIR FATHERS HAD BEEN ENTITLED TO HAD THEY SURVIVED, AND TO DIVIDE THE LEGACY OF HIS SON JEREMIAH, DECEASED, AMONG THE SURVIVING CHILDREN OF THE TESTATOR AND THE LEGAL REPRESENTATIVES OF SUCH OF THEM AS ARE DEAD.

WHEREAS it appears by the will of Jeremiah Moulton, late of York, in said county, deceased, that his Executors therein named, who died before the testator, were authorized to sell lands for the payment of debts: Therefore

*Resolved*, That the Administrators of the said estate, with the will annexed, or any two of them, be, and hereby have the same power granted them in that respect as the said Executors would have had, in case they had survived the testator, and proved the said will; and the Administrators of the said Jeremiah Moulton, deceased, to account with the Judge of Probate for York county, for the proceeds of any lands sold by virtue of this Resolve.

And in consideration of the particular circumstances of the said Jeremiah, after making his said will, and the death of his sons Thomas and Jotham in his life time, who left issue: It is further

*Resolved*, That the Judge of Probate for the county of York, for the time being, be, and hereby is authorized and empowered to assign to the children of Jotham deceased, the particular lands and tenements the said Jotham (as 'tis said) expended divers sums of money upon in the life time of the testator, valuing the same at no more than what the said Jeremiah expended thereon, and at the value the same lands were worth without any sums laid out on them, to the end the said Jotham's children may have the benefit of the sums their father laid out on the same lands: And also to assign in the division of the said Jeremiah's estate, as much in value to the children of Thomas and Jotham, deceased (deducting any demands the testator, Jeremiah, might have against them for sums of money or other matters advanced to them after making the said will in 1765, or any particular profits and advantages the said Thomas and Jotham respectively made, had, or received out of the testator's estate, after the making his will aforesaid in 1765) as they the said Thomas and Jotham would have been entitled unto by the said will, had they survived the testator. And it is further

*Resolved*, That the legacy (given to Jeremiah by the said will, who died before the testator without issue and unmarried) be divided equally among the surviving children of the testator and the legal representative of such of them as are dead, any law, usage or custom to the contrary notwithstanding.

Provided always, any party aggrieved at the determination of the judge of probate, in consequence of this resolve, have liberty of appealing to the supreme probate, as in other probate matters.  
[Passed September 19.]

Legislative  
Records of the  
Council,  
xl., 567.  
Mass.  
Archives,  
ccxix., 94.  
Mass.  
Resolves,  
Sept. Session,  
chap. 40.

Mass.  
Archives,  
ccxix., 95.



## CHAPTER 177.

Legislative  
Records of the  
Council,  
xl., 568.  
Mass.  
Archives,  
ccxxix., 92.  
Mass.  
Resolves,  
Sept. Session,  
chap. 36.  
Mass.  
Archives,  
ccxxix., 93.

RESOLVE GRANTING £1,500 CURRENCY TO WILLIAM BAKER, MESSENGER OF THE GENERAL ASSEMBLY FOR ONE QUARTER COMMENCING AUGUST 26<sup>TH</sup> LAST.

ON THE PETITION of William Baker:

*Resolved*, That there be allowed and paid out of the public Treasury, to William Baker, messenger of the General Assembly, the sum of Fifteen Hundred Pounds currency, for his services for one quarter of a year, commencing the 26<sup>th</sup> of August last. [*Passed September 19.*]

## CHAPTER 178.

RESOLVE PERMITTING JAMES KILLEY OF CAPE PURSUE, N. S., TO APPEAR IN THE COURT IN WHICH THE REPLEVIN OF JEREMIAH CONNELL AGAINST THE OWNERS OF A PRIVATEER FOR A BOAT WHICH SAID KILLEY PURCHASED OF HIM IS TO BE TRIED, AND THERE TAKE UPON HIMSELF THE DEFENCE OF THE CASE AS IF THE SAID KILLEY WAS AN INHABITANT OF THIS STATE.

Legislative  
Records of the  
Council,  
xl., 568.  
Mass.  
Archives,  
ccxxix., 93.  
Mass.  
Resolves,  
Sept. Session,  
chap. 37.  
Mass.  
Archives,  
ccxxix., 99-102.  
*Ante*, p. 605,  
chap. 170.

WHEREAS James Kelley [Killey],<sup>1</sup> an inhabitant [of Cape Pursua in]<sup>1</sup> the province of Nova-Scotia, has represented to this Court, that a boat which he purchased of Jeremiah Connell, of Boston, mariner, was captured by an American privateer and brought into Beverly, in July last: That the owners of said privateer, knowing him to have been friendly to the United States, and to have assisted divers prisoners in making their escape from captivity, were willing that said boat should be redelivered to him, but that the said Jeremiah Connell has replevied said boat out of the hands of the owners of said privateer, as his property: And whereas the said James Kelley [Killey]<sup>1</sup> has requested the interposition of this Court for his relief: Therefore

*Resolved*, That the said James Kelley [Killey]<sup>1</sup> be permitted to appear in the Court at which said action of replevin is to be tried, and there take upon himself the defence of said suit; and to avail himself of any and every transaction, circumstance, and contract, respecting the said boat, to every intent and purpose, as if such transactions, circumstances and contract, had been done, transacted and made, within this State, and as if the said Kelley [Killey]<sup>1</sup> was an inhabitant of this State, any law of this State to the contrary notwithstanding. [*Passed September 19.*]

## CHAPTER 179.

RESOLVE PERMITTING NATHAN UTLEY, ATTORNEY TO JOSIAH WATERS, JR., OF BOSTON TO COME FROM NOVA SCOTIA IN A SMALL VESSEL BRINGING THE AMOUNT OF DEBTS DUE HIM, £220, IN SALT, FISH OR CASH.

Legislative  
Records of the  
Council,  
xl., 569.  
Mass.  
Archives,  
ccxxix., 105.  
Mass.  
Resolves,

ON THE PETITION of Josiah Waters, jun., of Boston, praying to have liberty to bring from Nova-Scotia sundry debts due to him there, to the amount of Two Hundred and twenty Pounds:

*Resolved*, That the prayer of the petitioner be so far granted, that Nathan Utley, attorney to the petitioner, have leave to come from

<sup>1</sup> Massachusetts Archives, ccxxix., 99.



Nova-Scotia, in a small vessel, and bring with him the amount of the debt set forth in said petition, and no more, in salt, fish or cash; and the cruizers of this State are directed to let said Nathan Utley pass unmolested, and it's also recommended to the cruizers of the other States to let him pass as above. [*Passed September 20.*<sup>1</sup>]

Sept. Session,  
chap. 39.

Mass.  
Archives,  
ccxxix., 106.

## CHAPTER 180.

RESOLVES DIRECTING THE COMMITTEE AT SPRINGFIELD AND THE AGENTS OF THE SEVERAL COUNTIES THAT WERE APPOINTED TO RECEIVE HORSES TO SELL SUCH HORSES AS ARE UNFIT FOR SERVICE AND MAKE RETURN TO THE SECRETARY'S OFFICE OF THE NUMBER OF HORSES FOUND UNFIT, THE TOWNS FROM WHICH THEY CAME AND THE NUMBER FROM ANY AND EVERY SUCH TOWN.

*Resolved*, That Samuel Osgood, Esq., and others, a Committee at Springfield, and the Agents of the several counties in this State, that were appointed to receive horses, be and hereby are directed to sell all such horses as are under their care, and are unfit for the service for which they were designed, in such a manner as they may apprehend will be most advantageous for the State, and take vouchers of the persons purchasing, expressing the sum said horses may be sold for, the said Agents to account for the monies arising by the sale thereof, in the settlement of their accounts with the Committee on accounts. And the Committee at Springfield are to account with this Court for the monies they may receive by the sale of such horses. And it is further

Legislative  
Records of the  
Council,  
xl., 569.  
Mass.  
Archives,  
ccxxix., 108.  
Mass.  
Resolves,  
Sept. Session,  
chap. 42.

*Ante*, p. 581,  
chap. 121.

*Resolved*, That the said Committee and Agents, as soon as it is in their power, make a true return into the Secretary's-office, of the number of horses which are unfit for the service for which they were purchased, and the names of the several towns who procured the same, and the number of such horses procured by any and every such town. [*Passed September 20.*<sup>1</sup>]

## CHAPTER 181.

RESOLVE DIRECTING THE COMMITTEE ON PAY ROLLS TO MAKE UP AND PASS ON THE SEACOAST ESTABLISHMENT THE ROLL OF THE MILITIA IN THE TOWN OF DARTMOUTH FOR SERVICE DONE ON THE SEACOASTS LAST YEAR.

ON THE PETITION of Maj. Manasseh Kempton praying for an allowance to the Militia in the Town of Dartmouth for service done on the sea coasts the last Year:

*Resolved*, That the prayer of said Petition be so far granted that the Committee on pay rolls be directed, and they hereby are directed to make up a pay roll, and pass the same, on the sea coast establishment for the last year, agreeable to the time of service performed by said Militia, as is returned by said Maj. Kempton, which, shall be in full for said service. [*Passed September 20.*]

Legislative  
Records of the  
Council,  
xl., 569.  
Mass.  
Archives,  
ccxxix., 110.

Mass.  
Archives,  
ccxxix., 111.

<sup>1</sup> This date is same in Legislative Records of the Council, but is September 19 according to Massachusetts Resolves.



## CHAPTER 182.

RESOLVES DIRECTING THE BOARD OF WAR TO FURNISH THE OFFICERS OF GEN. GLOVER'S BRIGADE, AND ALL OTHERS BELONGING TO THIS STATE IN THE CONTINENTAL ARMY, WITH A SUIT OF CLOTHES, A PAIR OF LEATHER BREECHES, A HAT, A PAIR OF SHOES, A WATCHCOAT, A PAIR OF BOOTS, LINEN FOR SHIRTS AND STOCKS, AND STOCKINGS, AND ALLOWING THEM £10,000 OF THE MONEY ARISING FROM THE SALE OF ABSENTEES' ESTATES AS A PART OF THE SUM GRANTED SAID BOARD TO PROCURE CLOTHING.

Legislative  
Records of the  
Council,  
xl., 570.  
Mass.  
Archives,  
ccxxix., 112.

Mass.  
Archives,  
ccxxix., 113.

ON THE PETITION of the Officers of Gen. [John]<sup>1</sup> Glover's Brigade praying they may be supplied with cloathing:

*Resolved*, That the Board of War be and they hereby are directed in the most expeditious manner possible to purchase, or otherwise procure, suitable cloath for a suit of clothes for each of said Officers also one pair of leather britches, one hat, one pair of shoes, one watch coat, one pair of boots, linnen sufficient for six shirts and stocks for each Field-Officer and two shirts and stocks for each Captain and Subaltern, also six pair of stockings for each Field-Officer and two pair for each Captain and Subaltern, agreeable to their return, and deliver the same as fast as they are procured to Maj. Thomas Cogswell or such other person as may be empowered by said Officers to receive them, taking receipts for the same, each Officer to be accountable on the final adjustment of his account for the articles provided for him. And the Board of War are further directed, without delay, to procure the like articles for all the Officers belonging to this State in the Continental Army to be delivered or sent forward as the General Court or in the recess thereof, the Council shall direct. And to enable the Board of War to enter on this business immediately it is further

*Resolved*, That there be paid out of the public Treasury of this State the sum of Ten Thousand Pounds out of the money arising from the sale of the Absentees Estates as a part of the sum already granted them to procure cloathing, &c. [*Passed September 20.*]

## CHAPTER 183.

RESOLVES DIRECTING WILLIAM HUNT TO DELIVER ABOUT 5,000 BUSHELS OF SALT, SAID TO BELONG TO THE UNITED STATES, TO CHARLES MILLER, DEPUTY COMMISSARY GENERAL, THE TREASURER TO PROVIDE HIM WITH A SUM SUFFICIENT TO TRANSPORT SAME TO CLAVERACK, N. Y., AGREEABLE TO THE REQUISITION OF THE COMMISSARY GENERAL OF PURCHASES.

Legislative  
Records of the  
Council,  
xl., 570.  
Mass.  
Archives,  
ccxxix., 116.  
Mass.  
Resolves,  
Sept. Session,  
chap. 46.

THE COMMITTEE to whom was referred the message of the honourable major part of the Council take leave to report the following Resolve as a measure necessary to be adopted in order to furnish immediately a supply of salt at Claverack for use of the Army

Which is submitted

THOMAS CUSHING per Order

*Resolved*, That William Hunt be and hereby is directed, to deliver to Mr. Charles Miller, Deputy-Commissary-General, or to his order, a quantity of salt, amounting to about Five Thousand bushels, said to belong to the United States, for which salt this State will be accountable to said William Hunt. And be it further

*Resolved*, That the said Charles Miller be supplied out of the Treasury of this State immediately, with a sufficient sum of money

<sup>1</sup> Heitman, Historical Register of Officers of the Continental Army, 1914.



for the purpose of transporting said salt to Claverack, in the State of New-York, agreeable to the requisition of the Commissary-General of Purchases upon said Miller, dated the 4th September, 1780. And the Council are hereby impowered to issue their warrant on the Treasury in favour of said Miller, for a sum sufficient for the purpose aforesaid, said Miller to repay the same out of the first monies he shall receive of the Continent.

In Council

Read and Accepted.

In the House of Representatives

Read and Concurred. [*Passed September 21.*]

## CHAPTER 184.

RESOLVE GRANTING 6,000 ACRES OF UNAPPROPRIATED LAND LYING EAST OF SACO RIVER TO HON. ARTHUR LEE, ESQ., FOR HIS SERVICES AND EXPENSES, AS AGENT FOR THE HOUSE OF REPRESENTATIVES OF THIS STATE, IN GREAT BRITAIN IN 1775 AFTER THE RETURN OF DR. FRANKLIN.

WHEREAS it appears to this Court, that no compensation has been made to the Hon. Arthur Lee, Esq., for his services and expences as Agent for the House of Representatives of this State in Great-Britain, in the year 1775, after the Agency devolved upon him by the return of Dr. [Benjamin] Franklin to America:

*Resolved*, That there be, and hereby is granted to the Hon. Arthur Lee, Esq., Six Thousand acres of the unappropriated lands in this State, lying Eastward of Saco river, to be laid out either in one or two pieces, adjoining to some former grant or grants, in full compensation for the services and expences aforesaid; and that the Hon. Benjamin Chadbourne, Esq., and Moses Little, Esq., be a Committee to lay out the same at the expence of this State, in a manner the most convenient to him, that the situation of the unappropriated lands will admit of, and to return a plan<sup>1</sup> of the same by a surveyor and chainman, under oath, at the next session of the General Court, or as soon as may be, for confirmation. [*Passed September 22.*]<sup>2</sup>

Legislative  
Records of the  
Council,  
xl., 571.  
Mass.  
Archives,  
ccxxxvii., 279.  
Mass.  
Resolves,  
Sept. Session,  
chap. 45.  
Mass.  
Archives,  
ccxxxvii., 280,  
281.

## CHAPTER 185.

RESOLVES PERMITTING HANNAH MHUTTAWAMPEE AND ELIZABETH SAUTOSQUOTH, WIDOW AND DAUGHTER OF JOHANNIS MHUTTAWAMPEE, TO SELL AND EXCHANGE LANDS IN STOCKBRIDGE WITH THE APPROVAL OF THE HON. TIMOTHY EDWARDS AND ELIJAH BROWN, ESQUIRES.

ON THE PETITION of Hannah Mhuttawampee<sup>3</sup> and Elizabeth Sautosquoth<sup>4</sup> [widow and daughter of Johannis Mhuttawampee, now possessed of certain lands in Stockbridge on the Plain and on the River]:<sup>5</sup>

*Resolved*, That the prayer of said petition be so far granted, that the said petitioners be, and they hereby are authorized and em-

Legislative  
Records of the  
Council,  
xl., 572.  
Mass.  
Archives,  
cxliv., 460.  
Mass.  
Resolves,  
Sept. Session,  
chap. 47.

<sup>1</sup> See Massachusetts Archives, Maps and Plans, 3d series, vol. 17, p. 27.

<sup>2</sup> This date is September 21 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>3</sup> So spelled in Massachusetts Archives, cxliv., 460, 461, and in signature of cxliv., 461; spelled Whattawampee in Legislative Records of the Council, Massachusetts Resolves and indorsement of Massachusetts Archives, cxliv., 461.

<sup>4</sup> So spelled in signature of Massachusetts Archives, cxliv., 461; spelled Sautosquoth in Massachusetts Archives, cxliv., 460, 461, Legislative Records of the Council and Massachusetts Resolves.

<sup>5</sup> Massachusetts Archives, cxliv., 461.



powered, to sell so much of the lands mentioned in said petition, as may be sufficient to discharge the just debts of Johannis Mhuttawampee, late of Stockbridge, in the county of Berkshire, deceased, and to exchange the remainder of said lands, and give and execute a good and lawful deed or deeds of the same, for other lands which may be more advantageous to said petitioners.

*Resolved*, That the Hon. Timothy Edwards, Esq., and Elijah Brown, Esq., be a Committee to apprise and ascertain the just value of the lands to be sold and exchanged as aforesaid, without whose approbation, to be given under their hands and seals, and entered on record, together with the deed or deeds aforesaid, no contract made, or to be made, with the said petitioners, relative to said lands, shall be of any force or virtue. [*Passed September 22.*]

## CHAPTER 186.

Legislative  
Records of the  
Council,  
xl., 572.  
Mass.  
Archives,  
ccxxix., 122.  
Mass.  
Resolves,  
Sept. Session,  
chap. 49.

Mass.  
Archives,  
ccxxix., 123.

RESOLVE PERMITTING DAVID CORNING OF YARMOUTH, CAPE PERSUE, N. S., TO BRING A QUANTITY OF DRY FISH, NOT LESS THAN 180 QUINTALS TO THIS STATE, IN A SMALL SCHOONER OR VESSEL TO PAY DEBTS.

ON THE PETITION of David Corning [of Yarmouth, Cape Persue]<sup>1</sup>

*Resolved*, That the prayer of said petition be granted, and that the said Corning be, and he hereby is permitted to come to this State, in a small schooner or other vessel, and to bring with him a quantity of dry fish, not less than 180 quintals, for the payment of some debts as mentioned in said petition. [*Passed September 22.*]

## CHAPTER 187.

RESOLVE EMPOWERING GAWEN BROWN, GUARDIAN OF HIS CHILDREN, WILLIAM, ELIZABETH, KATHERINE AND ANN BROWN, TO SELL OR EXCHANGE 1,416 ACRES OF LAND IN HILLSBOROUGH, N. H., FOR LANDS IN THIS STATE.

Legislative  
Records of the  
Council,  
xl., 572.  
Mass.  
Archives,  
ccxxix., 124.  
Mass.  
Resolves,  
Sept. Session,  
chap. 47a.

Mass.  
Archives,  
ccxxix., 125.

ON THE PETITION of Gawen Brown, of Boston, guardian to William, Elizabeth, Katherine and Ann Brown, minors and children of the petitioner:

*Resolved*, That the said Gawen Brown be, and he is hereby empowered, to dispose of several lots of land in the town of Hillsborough, and State of New-Hampshire, containing, by estimation, fourteen Hundred and sixteen acres, which were bequeathed to them by the last will and testament of the late John Hill, Esq., deceased, or exchange the same for some real estate of the same value, within this State, for the use and benefit of his children aforesaid, and to execute a good deed or deeds of the same, he the said Brown first giving bond to the Judge of Probate in the county of Suffolk, that the proceeds of said lots, if sold, shall be laid out in real estate within this State, for the purposes aforesaid. [*Passed September 22.*]

<sup>1</sup> Massachusetts Archives, ccxxix., 123.



## CHAPTER 188.

RESOLVE ENTITLING ABEL WHITNEY OF GORHAM, WOUNDED AT TICONDEROGA, TO ONE-THIRD PAY AS A SOLDIER, UPON THE PENSION LIST, COMMENCING AUGUST 12, 1777.

Legislative  
Records of the  
Council,  
xl., 573.  
Mass.  
Archives,  
ccxxix., 151.  
Mass.  
Resolves,  
Sept. Session,  
chap. 50.

ON THE PETITION of Abel Whitney of Gorham, an inlisted soldier for three years, in Capt. Josiah Jenkins's company, in Col. Samuel Brewer's regiment, who was wounded at the evacuation of Ticonderoga, in 1777:

*Resolved*, That Abel Whitney, of Gorham, is intitled to one-third pay as a soldier to commence from August 12, 1777, and to be put upon the pension list. [*Passed September 22.*]

Mass.  
Archives,  
ccxxix., 152-  
154.

## CHAPTER 189.

RESOLVE ENTITLING JOSIAH BALL OF STOCKBRIDGE, WHO BROKE HIS ARM AND LEG IN 1777, TO ONE-THIRD PAY AS A SOLDIER UPON THE PENSION LIST, COMMENCING JANUARY 6TH, 1778.

ON THE PETITION of Josiah Ball, of Stockbridge, who by order of Maj. Gen. [Philip]<sup>1</sup> Schuyler marched to reinforce the Continental army under the command of Col. [John]<sup>2</sup> Brown, in July, 1777, and being ordered to fell some trees to stop the progress of the British troops, had the misfortune to have one leg and one arm broke, and is thereby greatly disabled, as appears from certificates for the purpose:

Legislative  
Records of the  
Council,  
xl., 573.  
Mass.  
Archives,  
ccxxix., 155.  
Mass.  
Resolves,  
Sept. Session,  
chap. 48.

*Resolved*, That said Josiah Ball is intitled to one-third pay as a soldier in the Continental Army, to commence from the 6th of January, 1778, and be put upon the list of pensioners. [*Passed September 22.*]

Mass.  
Archives,  
ccxxix., 156-  
157.

## CHAPTER 190.

RESOLVE EMPOWERING THE COURT OF GENERAL SESSIONS OF ESSEX, IN SEPTEMBER NEXT, TO GRANT A LICENSE TO GIDEON FOSTER OF ANDOVER TO KEEP A HOUSE OF PUBLIC ENTERTAINMENT.

ON THE PETITION of Gideon Foster [of Andover]<sup>3</sup>:

*Resolved*, That the Justices of the Court of General Sessions of the Peace for the county of Essex be, and they hereby are empowered to grant unto Gideon Foster, at their session in September instant, a licence to keep a house of public entertainment, until their licence time in July next, observing the rules and directions of the law in that case made and provided, any law to the contrary notwithstanding. [*Passed September 23.*]

Legislative  
Records of the  
Council,  
xl., 574.  
Mass.  
Archives,  
ccxxix., 158.  
Mass.  
Resolves,  
Sept. Session,  
chap. 51.

Mass.  
Archives,  
ccxxix., 159.

<sup>1</sup> Heitman, Historical Register of Officers of the Continental Army, 1914.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, i., 541.

<sup>3</sup> Massachusetts Archives, ccxxix., 159.



## CHAPTER 191.

RESOLVE REPEALING THE RESOLUTION OF JUNE 15<sup>TH</sup> LAST LAYING  
AN EMBARGO ON SHIPPING.

Legislative  
Records of the  
Council,  
xl., 574.  
Mass.  
Archives,  
ccxxix., 160.  
Mass.  
Resolves,  
Sept. Session,  
chap. 52.

*Ante*, p. 545,  
chap. 58.

WHEREAS in and by a Resolution of this Court passed on the 15th day of June last, an embargo was laid on all ships and vessels, other than coasting and fishing vessels, prohibiting the same to sail from any port or harbour in this State. And whereas the reasons for laying said embargo now cease: Therefore

*Resolved*, That the Resolution laying the embargo aforesaid, be and hereby it is repealed and declared to be null and void. [*Passed September 23.*]

## CHAPTER 192.

RESOLVE DIRECTING THE COMMITTEE ON ACCOUNTS TO IMMEDIATELY PAY THE SELECTMEN OF TOWNS ALL THE MILEAGE MONEY PAID BY THEM TO SOLDIERS WITHIN THIS STATE AND REQUESTING THE COUNCIL TO GIVE THEIR WARRANT IN FAVOR OF SAID COMMITTEE FOR A SUM NOT EXCEEDING £7,500, NEW CURRENCY.

Legislative  
Records of the  
Council,  
xl., 574.  
Mass.  
Archives,  
ccxxix., 161.  
Mass.  
Resolves,  
Sept. Session,  
chap. 55.

THE COMMITTEE appointed to take into consideration the expediency of immediately reimbursing the mileage money paid by the selectmen of the several towns within this State, have attended that service and beg leave to report by way of Resolve:

*Resolved*, That the Committee on accounts be and they hereby are directed, immediately to pay to the selectmen of the several towns within this State, all the mileage money paid by them to any of the soldiers within this State, said selectmen bringing proper certificates of the same being paid agreeably to any Resolve of the General Court of this State; and the honourable Council is requested to give their warrant to [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer, in favour of the Committee on accounts, for a sum not exceeding Seven Thousand five Hundred Pounds, in the new currency, for the purpose aforesaid.

In the House of Representatives

Read and Accepted

In Council

Read and Concurred. [*Passed September 23.*]

## CHAPTER 193.

RESOLVE REQUESTING THE COUNCIL TO ISSUE THEIR WARRANT IN FAVOR OF COMMISSARY GENERAL DEVENS FOR £500, NEW MONEY, TO PURCHASE FLOUR FOR THE MILITIA NOW STATIONED IN RHODE ISLAND AND FORWARD IT AS SOON AS MAY BE TO SOLOMON SOUTHWICK, ESQ., DEPUTY COMMISSARY GENERAL OF ISSUES.

Legislative  
Records of the  
Council,  
xl., 574.  
Mass.  
Archives,  
ccxxix., 162.  
Mass.  
Resolves,  
Sept. Session,  
chap. 53.

ON THE PETITION of Col. John Jacobs and others, Commanding Officers of the militia of this State, now stationed at Rhode-Island, setting forth the deplorable situation of the troops under their command, on account of provisions and fuel; and praying for a supply from this State, for reasons set forth in said petition:

*Resolved*, That there be paid out of the Treasury of this State to Commissary [-General, Richard]<sup>1</sup> Devens, Five Hundred Pounds, new money; and that the same be laid out in purchasing flour for

<sup>1</sup> *Ante*, p. 337, chap. 734.



the use of said troops; and that the Commissary [General]<sup>1</sup> be and hereby is directed to send forward said flour to Rhode-Island as soon as may be, and deliver the same to Solomon Southwick, Esq., D. C. G. I. or to his order, taking his receipt therefor.

And the honorable the major part of the Council are requested to issue their warrant on [Henry Gardner, Esq.],<sup>1</sup> the Treasurer for the payment thereof accordingly. [*Passed September 23.*]

## CHAPTER 194.

RESOLVE EMPOWERING AND DIRECTING THE TREASURER TO ISSUE HIS WARRANTS TO THE CONSTABLES OR COLLECTORS OF EAST SUDBURY TO COLLECT AND PAY INTO THE TREASURY ALL TAXES COMMITTED OR WHICH SHALL BE COMMITTED TO THEM TO COLLECT IN CONSEQUENCE OF SAID TOWN BEING FORMERLY A PART OF SUDBURY, AND TO STAY HIS EXECUTIONS AGAINST SUCH UNTIL THE 20<sup>TH</sup> OF OCTOBER NEXT.

ON THE PETITION of Jonathan Rice, praying that [Henry Gardner, Esq.,]<sup>1</sup> the State Treasurer may be impowered to direct his warrants to the collectors of East-Sudbury, for reasons set forth in said petition: Therefore

*Resolved*, That the Hon. Henry Gardner, Esq., be, and he is hereby impowered and directed, to issue his warrant or warrants to the constable or constables, collector or collectors, of East-Sudbury, to collect and pay into the public Treasury of this State, all the taxes committed to them to collect, or that shall be committed to them to collect, in consequence of the town of East-Sudbury being formerly a part of the town of Sudbury, any law or resolve of this State to the contrary notwithstanding; and the Treasurer is hereby directed to stay execution against the constable or constables, collector or collectors, of the said town of East-Sudbury, for the taxes aforesaid, until the 20th day of October next. [*Passed September 25.*]

Legislative  
Records of the  
Council,  
xl., 575.  
Mass.  
Archives,  
ccxxix., 171.  
Mass.  
Resolves,  
Sept. Session,  
chap. 60.  
Mass.  
Archives,  
ccxxix., 172.

## CHAPTER 195.

RESOLVE GRANTING £100 CURRENCY TO ROGER HUNNEWELL OF SCARBOROUGH, WHO LOST ONE OF HIS ARMS AT LOUISBURGH IN 1745, IN FULL OF HIS PENSION TO AUGUST 5, 1780.

ON THE PETITION of Roger Hunnewell, of Scarborough, a pensioner of this State, on account of his losing one of his arms in the expedition against Louisburgh, 1745.

*Resolved*, That there be paid out of the public Treasury of this State, the sum of One Hundred Pounds currency, to Roger Hunnewell, of Scarborough, in full to the 5th of August, 1780, for his pension. [*Passed September 25.*]

Legislative  
Records of the  
Council,  
xl., 575.  
Mass.  
Archives,  
ccxxix., 173.  
Mass.  
Resolves,  
Sept. Session,  
chap. 66.  
Mass.  
Archives,  
ccxxix., 174.

<sup>1</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 196.

RESOLVE EMPOWERING THE GUARDIAN OF BARZILLAI MILES, A MINOR, OF RUTLAND, TO SELL A LOT OF UNCULTIVATED LAND IN ATHOL, THE PROCEEDS TO BE APPLIED FOR THE USE AND BENEFIT OF SAID MINOR.

Legislative  
Records of the  
Council,  
xl., 576.  
Mass.  
Archives,  
ccxxix., 175.  
Mass.  
Resolves,  
Sept. Session,  
chap. 58.

ON THE PETITION of Phinehas Walker of Rutland, guardian to Barzillai Miles, a minor, son to the late Benjamin Miles, of said Rutland, deceased, praying the estate of the said minor Barzillai Miles, consisting of one lot of uncultivated land lying in the town of Athol, may be sold for the purpose of raising money for the payment of the taxes thereon: Therefore

*Resolved*, That the petitioner, Phinehas Walker, be and he hereby is impowered to make sale of that lot of uncultivated land lying in the town of Athol, belonging to the said Barzillai Miles, a minor, for the most the same will fetch, and to execute a good deed or deeds of the same to the purchaser or purchasers, he observing the rules and directions of the law for the sale of real estates by executors or administrators, and giving security to the Judge of Probate for the county of Worcester, that the proceeds of said Sale be applied for the use and benefit of the said minor Barzillai Miles. [*Passed September 25.*]

Mass.  
Archives,  
ccxxix., 176.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 197.

RESOLVE DIRECTING THE ASSESSORS OF REHOBOTH NOT TO TAX LANDS DEVISED BY EPHRAIM HUNT, DECEASED, TO THE SECOND PARISH AND APPROPRIATED TO THE SUPPORT OF A CONGREGATIONAL OR PRESBYTERIAN MINISTER WHILE THEY CONTINUE SO, THE TRUSTEES PAYING THE TAXES ALREADY MADE.

Legislative  
Records of the  
Council,  
xl., 576.  
Mass.  
Archives,  
ccxxix., 178.  
Mass.  
Resolves,  
Sept. Session,  
chap. 59.

ON THE PETITION of the Trustees of the Second Parish in Rehoboth, praying that certain lands in said parish, devised to the inhabitants thereof, by Ephraim Hunt, deceased, in his last will and testament, and appropriated to the support of a Congregational or Presbyterian Minister in said Parish, may not be taxed:

*Resolved*, That the said lands, while they continue thus appropriated, ought not to be taxed upon any tax; and the Assessors of said town are hereby directed, from time to time, to govern themselves accordingly. The said Trustees paying the several taxes already made on said lands. [*Passed September 25.*]

Mass.  
Archives,  
ccxxix., 179-  
184.

## CHAPTER 198.

RESOLVE DIRECTING THE TREASURER TO PROCEED WITH DELINQUENT TOWNS AND PLANTATIONS ACCORDING TO LAW.

THE COMMITTEE appointed to enquire into the state of the returns made into the Treasurer's office for taxes, committed to the several towns and plantations to assess and collect, ask leave to report by way of Resolve:

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer be, and he

Legislative  
Records of the  
Council,  
xl., 576.  
Mass.  
Archives,  
ccxxix., 186.  
Mass.

<sup>1</sup> *Ante*, p. 337, chap. 734.



is hereby directed, to proceed with such towns or assessors of such towns and plantations according to the laws made and provided for such neglect or refusal.

Resolves,  
Sept. Session,  
chap. 57.

In the House of Representatives

Read and Accepted.

In Council

Read and Concurred. [*Passed September 25.*]

## CHAPTER 199.

A LETTER TO GEN. WASHINGTON REGARDING THE SALT BEEF CAPTURED BY PRIVATEERS FROM THE QUEBEC FLEET AND THE SUPPLY OF PROVISIONS FOR THE ARMY.

IMMEDIATELY UPON RECEIPT of your Excellency's letter, a Committee of the General Court was chosen to enquire what quantity of salt beef had been captured by the privateers belonging to this State, in the Quebec fleet, and find there was a much smaller quantity than had been supposed; the whole not exceeding Twelve or Fifteen Hundred barrels, which has been already mostly appropriated to the use of the privateers which have been since fitted out, no considerable quantity of salt beef, if any, can therefore be purchased in this State. We are devising every measure and exerting every nerve to furnish our full proportion of the supplies required by Congress, being fully sensible of the embarrassments under which your Excellency labours for want of a regular supply of provisions, and hope like efforts have been made and with better success by the other States, and whose quotas of the same kind are required: in which case we have no doubt but the distresses of the army will be fully relieved and the public stores filled. We sincerely wish your Excellency a continuance of health, amidst your arduous exertions, and every blessing.

Mass.  
Resolves,  
Sept. Session,  
chap. 54.

To his Excellency Gen. WASHINGTON.

[*September 25.*]

## CHAPTER 200.

RESOLVE RECOMMENDING THE CONTINENTAL COMMISSIONER OF LOANS IN THIS STATE TO ADVANCE \$1,000, NEW BILLS, TO COL. JABEZ HATCH, DEPUTY QUARTERMASTER IN NEW HAMPSHIRE, MASSACHUSETTS BAY AND RHODE ISLAND.

WHEREAS representation has been made to this Court by Col. Jabez Hatch, who is lately appointed to the office of Deputy-Quarter-Master in the States of New-Hampshire, Massachusetts-Bay, and Rhode-Island, shewing, that he is destitute of money to carry on the business in his office, and asking a supply:

*Resolved*, That it be and hereby it is recommended to the Continental Commissioner of Loans in this State, to advance and pay to the said Deputy-Quarter-Master, a sum not exceeding One Thousand Dollars of the new emitted bills of credit, he the said Deputy-Quarter-Master giving his receipt therefor, promising therein to be accountable for the same. [*Passed September 26.*]

Legislative  
Records of the  
Council,  
xl., 576.  
Mass.  
Archives,  
ccxxix., 187.  
Mass.  
Resolves,  
Sept. Session,  
chap. 62.  
Mass.  
Archives,  
ccxxix., 188.



## CHAPTER 201.

RESOLVE DIRECTING THE COMMITTEE FOR SETTLING WITH THE ARMY TO MAKE UP THE DEPRECIATION OF MAJ. JOHN RICE, ACTING AS TOWN MAJOR OF BOSTON, ADJUTANT GENERAL AND COMMANDER OF THE PORT OF BOSTON AND ITS VICINITY.

Legislative  
Records of the  
Council,  
xl., 577.  
Mass.  
Archives,  
ccxxix., 189.  
Mass.  
Resolves,  
Sept. Session,  
chap. 66.

ON THE PETITION of John Rice [now acting as Town Major of Boston, Adjutant General and Commander of the Port of Boston and its vicinity]<sup>1</sup>

*Resolved*, That the Committee appointed to settle the depreciation with the officers, &c. of the army, be directed to make up the depreciation of the wages of Maj. John Rice, and certify the same to the honorable Council, for reasons set forth in his petition. [Passed September 26.]

Mass.  
Archives,  
ccxxix., 190.

## CHAPTER 202.

RESOLVE PERMITTING JANE TRACEY, WIFE OF THOMAS, TO GO TO NEW YORK IN THE FIRST CARTEL OR BY LAND, LEAVE BEING OBTAINED FROM THE COMMANDING OFFICER OF THE AMERICAN ARMY.

Legislative  
Records of the  
Council,  
xl., 577.  
Mass.  
Archives,  
ccxxix., 192.  
Mass.  
Resolves,  
Sept. Session,  
chap. 65.

ON THE PETITION of Thomas Tracy [Tracey of Boston, mariner, that his wife, late widow of Peter Pence, deceased, may go to New York and return with her child for its education]<sup>2</sup>

*Resolved*, That the prayer of the petition be so far granted, that Jane Tracy, wife of said Thomas, have leave to go to New-York in the first cartel, or by land (leave being obtained from the Commanding Officer of the American army for that purpose) not to return again unless leave be first obtained from the General Court, and that she be not permitted to carry any effects or letters to any person whatever, without their being first examined. [Passed September 26.]

Mass.  
Archives,  
ccxxix., 193.

## CHAPTER 203.

RESOLVE DIRECTING THE TREASURER TO RECEIVE BILLS OF CREDIT AMOUNTING TO £20. 11s. FROM COTTON TUFTS, ESQ., GIVING HIM HIS NOTE FOR THE SAME AS IF THEY HAD BEEN PRESENTED TO BE EXCHANGED DEC. 1, 1778.

Legislative  
Records of the  
Council,  
xl., 577.  
Mass.  
Archives,  
ccxxix., 194.  
Mass.  
Resolves,  
Sept. Session,  
chap. 64.

*Resolved*, That [Henry Gardner, Esq.,]<sup>3</sup> the Treasurer of this State be, and he hereby is directed to receive of Cotton Tufts, Esq., certain bills of credit of this State mentioned in his petition, amounting to twenty Pounds and eleven Shillings, and give him his note for the same in the same manner and form as he would have done had the said bills been presented to be exchanged on the 1st day of December, 1778, any law or resolve to the contrary notwithstanding. [Passed September 26.]

Mass.  
Archives,  
ccxxix., 195.

<sup>1</sup> Massachusetts Archives, ccxxix., 190.

<sup>2</sup> *Ibid.*, 193.

<sup>3</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 204.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF  
PLYMOUTH COUNTY.

Legislative  
Records of the  
Council,  
xl., 582.  
Mass.  
Archives,  
ccxix., 214.  
Mass.  
Resolves,  
Sept. Session,  
chap. 63.

WHEREAS it appears upon examination of the County Treasurer's account of the county of Plymouth, that all the monies granted and allowed by the Court of General Sessions of the Peace for said county for the year 1779, were for such purposes and appropriations as the law impowers the said court to grant: Therefore

*Resolved*, That the said account be allowed. [*Passed September 26.*]

## CHAPTER 205.

RESOLVES REQUIRING THE INHABITANTS OF THE SEVERAL TOWNS  
AND PLANTATIONS TO FURNISH CATTLE OR MONEY TO SUPPLY  
BEEF, HIDES AND TALLOW FOR THE ARMY; SOLICITING VOLUN-  
TARY CONTRIBUTIONS; PROVIDING A PENALTY OF ONE QUARTER  
MORE FOR DEFICIENCY AND PAYMENT FOR THE OVERPLUS.

WHEREAS the necessary supplies for the subsistence of our army for the present campaign, are obtained only in the specific articles from the respective States, agreeably to the requisitions and apportionment of Congress; for the purchase of which the several taxes already laid on this State are found to be inadequate; the General Assembly is constrained again to call on the public spirit and zeal of their constituents: Sensible that at all times they are intitled to a knowledge of those facts which render great and unusual burdens necessary, they are called upon by Gen. Washington, immediately to fill our magazines, to enable him effectually to co-operate with our Allies.

Legislative  
Records of the  
Council,  
xl., 577.  
Mass.  
Archives,  
ccxix., 196-  
213a.  
Mass.  
Resolves,  
Sept. Session,  
chap. 61.

The good people of this State need not be informed that those who now call on them are subject and willing to bear an equal share of every burthen on this community; burthens which have been felt by every nation who have been obliged to contend for their liberties, and resist the lawless hand of tyranny; and must appear very small when compared with the dreadful alternative, an alternative fraught with the compleatest misery, a subjugation to a cruel and unfeeling enemy, whose pride would lead them to insult us for want of public virtue, should any necessary supply be withheld from our army; and whose avarice would strip us of the property which an ill-timed parsimony may endeavour to preserve:

This Court preferring the salvation of the country to every other consideration, and as the best means which, after mature deliberation, can be devised for an immediate supply of the army, do

*Resolve*, That the inhabitants of the several towns and plantations in this State be, and they are hereby required to furnish a number of cattle, or money sufficient to supply the quantity of beef, including hides and tallow, set to such towns and plantations respectively, in the schedule hereto annexed, in the manner following; that is to say, the said beef shall be delivered to such Agents or Deputies as may be appointed by the Committee appointed to superintend purchases for this State: And the said Committee shall be, and hereby are authorized, empowered and directed, to appoint so many persons to be their Agents or Deputies, within the several counties in this State, for receiving and forwarding said cattle, as the Committee shall judge necessary, and give them all proper directions relative to the supplies required by these Resolves:



And said Agents or Deputies are hereby required to observe and obey all such instructions and orders as shall from time to time be given them by said Committee. Duplicate receipts shall be given for any beef delivered as aforesaid, expressing therein the weight of the beef for which the same shall be given; and in every case in which such Agent or Deputy, and the person or persons appointed by any town or plantation on their behalf, to furnish the supplies required by these Resolves, cannot agree upon the weight of the beef delivered, the same shall be estimated by such other person or persons as the said Agent or Deputy, and the person or persons appointed as aforesaid, shall mutually choose; one of which receipts shall be transmitted to the Secretary's-office as speedily as possible; the first moiety of said beef to be delivered by the last day of October next, and the other moiety by the 20th day of November next. And any town or plantation who shall supply money in lieu of beef, shall pay so much money to the said purchasing Committee, or to their order, as shall be sufficient, in their judgement, to supply the quantity of beef that in the said schedule is set to such town or plantation, by the times mentioned in these Resolves for supplying the beef; taking duplicate receipts therefor, expressing that in the judgement of the said Committee, the money so paid is sufficient to purchase the quantity of beef as aforesaid to the said town or plantation; one of which to be immediately lodged in the Secretary's-office.

And it is earnestly requested, that the towns and plantations, which have it in their power, would furnish at least part of their supplies before the said times appointed for the delivery thereof, and that as soon as possible. And it is further

*Resolved*, That on receipt hereof, the Selectmen of the several towns, and the Committees of safety, &c. of the several plantations in the said annexed schedule mentioned, be, and they are hereby required immediately to call together the legal voters in their respective towns and plantations, and lay these Resolutions before them, to the intent the same may be carried into effectual execution, by levying a tax or otherwise.

And it is earnestly recommended to those who are possessed of the supplies required, or have ability to obtain them, to testify their regard for their country, by advancing voluntarily for this purpose, and thereby prevent a delay in the execution of this order. And it is further

*Resolved*, That if any town or plantation in the said schedule mentioned, shall not fully comply with the foregoing requisitions, a sum of money equal to the full value of the beef of which such town or plantation shall be deficient, together with one fourth more added thereto, shall be added to such town's or plantation's proportion of the next State tax.

And to prevent impositions on the army and on the public, it is

*Resolved*, That neither of the Agents or Deputies of the Committee aforesaid, be allowed to proceed in the business assigned them by these Resolves, till they shall have taken a solemn oath that they will not receive any cattle for the purposes aforesaid, but such as are well fattened. Said oath to be administered by some Justice of the Peace, and a certificate thereof transmitted to the Secretary's-office without delay. And it is further

*Resolved*, That where the cattle furnished by any town or plantation shall exceed the quantity required of such town or plantation, the Committee aforesaid, their Agent or Deputy receiving the same, shall pay for such overplus at the then usual market price in the county where the same shall be delivered. And it is further

*Resolved*, That each town and plantation shall deliver the cattle



by them supplied in such place in the county in which such town or plantation lies, as the Committee aforesaid, their Agent or Deputy appointed to receive the same, shall order; or in such other place as shall be mutually agreed on by said town or plantation and said Committee, their Agent or Deputy. And it is further

*Resolved*, That any town or plantation in the said schedule mentioned, which shall appear upon the settlement of the next valuation to have paid more than their proportion of the beef ordered to be furnished by these Resolves, shall be allowed the full value of the beef so overpaid, in the next tax after the said valuation is settled. And it is further

*Resolved*, That where any towns, districts, persons or lands, have been set off from any other towns since the taking the last valuation, and not included in these Resolves, in every such case, such districts, towns, persons and lands so set off, shall be assessed their proportion of the beef aforesaid, by those towns from which they have been set off.

## COUNTY OF SUFFOLK.

Towns.	Wt. Beef.	Towns.	Wt. Beef.	Towns.	Wt. Beef.
Boston . . .	132,000	Dedham . . .	24,000	Bellingham . . .	4,200
Roxbury . . .	19,900	Medfield . . .	8,400	Hull . . .	1,480
Dorchester . . .	14,880	Wrentham . . .	11,520	Walpole . . .	7,760
Milton . . .	10,400	Brookline . . .	8,040	Chelsea . . .	5,700
Braintree . . .	23,400	Needham . . .	9,860	Franklin . . .	9,160
Weymouth . . .	11,400	Stoughton . . .	15,600	Foxborough . . .	6,960
Hingham . . .	13,280	Stoughtonham . . .	7,210		
Cohasset . . .	5,160	Medway . . .	9,120	Total, . . .	359,430

## COUNTY OF ESSEX.

Towns.	Wt. Beef.	Towns.	Wt. Beef.	Towns.	Wt. Beef.
Salem . . .	48,530	Beverly . . .	19,880	Almsbury . . .	10,370
Danvers . . .	18,380	Rowley . . .	14,840	Bradford . . .	10,750
Ipswich . . .	31,800	Salisbury . . .	11,360	Wenham . . .	4,560
Newbury . . .	29,340	Haverhill . . .	16,800	Middleton . . .	6,510
Newbury-Port . . .	32,400	Gloucester . . .	21,180	Manchester . . .	4,490
Marblehead . . .	30,630	Topsfield . . .	8,440		
Lynn . . .	14,400	Methuen . . .	8,780	Total . . .	379,970
Andover . . .	27,340	Boxford . . .	9,190		

## COUNTY OF MIDDLESEX.

Towns.	Wt. Beef.	Towns.	Wt. Beef.	Towns.	Wt. Beef.
Cambridge . . .	18,360	Malden . . .	7,160	Dracut . . .	7,060
Charlestown . . .	6,000	Weston . . .	7,930	Bedford . . .	5,450
Watertown . . .	8,340	Medford . . .	9,360	Holliston . . .	6,480
Woburn . . .	12,540	Littleton . . .	7,240	Tukesbury . . .	5,500
Concord . . .	11,520	Hopkinton . . .	7,280	Acton . . .	6,060
Newton . . .	10,980	Westford . . .	8,340	Dunstable . . .	5,630
Reading . . .	12,450	Waltham . . .	7,200	Lincoln . . .	5,640
Marlborough . . .	14,400	Stow . . .	6,660	Wilmington . . .	4,560
Billerica . . .	9,600	Groton . . .	11,160		
Frammingham . . .	11,160	Shirley . . .	4,360	Total . . .	298,180
Lexington . . .	7,770	Pepperrell . . .	6,820		
Chelmsford . . .	9,180	Townsend . . .	5,200		
Sherborn . . .	5,820	Ashby . . .	2,760		
Sudbury and } . . .	15,520	Stoneham . . .	2,670		
East-Sudbury }		Natick . . .	4,020		

## COUNTY OF HAMPSHIRE.

Towns.	Wt. Beef.	Towns.	Wt. Beef.	Towns.	Wt. Beef.
Springfield . . .	14,400	Deerfield . . .	7,830	Blandford . . .	5,970
Wilbraham . . .	8,310	Greenfield . . .	4,850	Leverett . . .	2,120
Northampton . . .	11,360	Shelburne . . .	5,370	Palmer . . .	4,860
Southampton . . .	5,050	Conway . . .	6,580	Granville . . .	9,190
Hadley . . .	6,960	Sunderland . . .	3,240	New-Salem . . .	6,110
South-Hadley . . .	3,460	Montague . . .	3,600	Belchertown . . .	6,360
Amherst . . .	7,120	Northfield . . .	5,650	Colerain . . .	3,880
Granby . . .	3,720	Brimfield . . .	7,530	Ware . . .	3,110
Hatfield . . .	6,730	South-Brimfield . . .	4,450	Warwick . . .	4,240
Whately . . .	2,930	Monson . . .	5,180	Bernardstown . . .	3,360
Williamsburgh . . .	3,560	Pelham . . .	5,350	Murrayfield . . .	3,840
Westfield . . .	10,780	Greenwich . . .	4,950	Charlemont . . .	3,100



COUNTY OF HAMPSHIRE — *Concluded.*

Towns.	Wt. Beef.	Towns.	Wt. Beef.	Towns.	Wt. Beef.
Ashfield . . .	4,270	Southwick . . .	3,090	Plantation No. 5 . .	2,590
Worthington . .	4,010	West-Springfield . .	14,480	Westhampton . .	1,880
Shutesbury and } . .	3,170	Ludlow . . .	2,200	Chesterfield-Gore . .	930
Ervingshire . .		Norwich . . .	1,570		
Chesterfield . .	5,560	Myrfield . . .	970	Total . . .	249,820

## COUNTY OF PLYMOUTH.

Towns.	Wt. Beef.	Towns.	Wt. Beef.	Towns.	Wt. Beef.
Plymouth . . .	1,350	Hanover . . .	5,880	Halifax . . .	3,970
Scituate . . .	18,840	Middleborough . . .	25,900	Wareham . . .	3,470
Duxborough . .	6,190	Rochester . . .	11,630		
Marshfield . .	7,810	Plympton . . .	9,530	Total . . .	163,080
Bridgewater . .	31,680	Pembroke . . .	10,620		
Abington . . .	7,950	Kingston . . .	5,660		

## COUNTY OF BRISTOL.

Towns.	Wt. Beef.	Towns.	Wt. Beef.	Towns.	Wt. Beef.
Taunton . . .	19,070	Mansfield . . .	5,630	Easton . . .	6,540
Rehoboth . . .	21,930	Attleborough . . .	14,000	Berkley . . .	4,210
Swansey . . .	11,730	Dighton . . .	7,790		
Dartmouth . .	35,260	Freetown . . .	8,740	Total . . .	149,440
Norton . . .	8,540	Rainham . . .	6,000		

## COUNTY OF BARNSTABLE.

Towns.	Wt. Beef.	Towns.	Wt. Beef.	Towns.	Wt. Beef.
Barnstable . .	15,510	Truro . . .	3,680	Falmouth . . .	7,800
Sandwich . . .	11,120	Eastham . . .	7,250		
Yarmouth . . .	10,090	Harwich . . .	8,350	Total . . .	71,280
Chatham . . .	3,860	Wellfleet . . .	3,620		

## COUNTY OF WORCESTER.

Towns.	Wt. Beef.	Towns.	Wt. Beef.	Towns.	Wt. Beef.
Worcester . . .	17,640	Westborough . . .	6,790	Petersham . . .	7,440
Lancaster . . .	19,000	Northborough . . .	4,440	Royalston . . .	4,330
Mendon . . .	8,520	Shrewsbury . . .	12,600	Westminster . . .	6,420
Brookfield . .	18,600	Lunenburg . . .	8,400	Athol . . .	5,160
Oxford . . .	5,760	Uxbridge . . .	7,980	Templeton . . .	6,420
Charlton . . .	8,820	Harvard . . .	8,940	Princeton . . .	4,920
Sutton . . .	17,520	Dudley . . .	5,760	Ashburnham . . .	3,120
Leicester . . .	4,560	Bolton . . .	8,460	Winchendon . . .	3,480
Spencer . . .	7,200	Upton . . .	3,720	Northbridge . . .	2,400
Paxton . . .	4,800	Sturbridge . . .	8,280	Fitchburgh . . .	4,800
Rutland . . .	8,280	Leominster . . .	7,200	Ward . . .	2,810
Oakham . . .	3,420	Hardwick . . .	9,600	Milford . . .	5,520
Barre . . .	9,960	Holden . . .	4,800		
Hubbardston . .	3,420	Western . . .	6,120	Total . . .	320,780
New-Braintree .	6,600	Douglass . . .	3,660		
Southborough .	6,480	Grafton . . .	6,630		

## COUNTY OF YORK.

Towns.	Wt. Beef.	Towns.	Wt. Beef.	Towns.	Wt. Beef.
York . . .	14,960	Massabeseck . . .	1,740	Buxton . . .	4,560
Kittery . . .	16,230	Pepperelborough . .	5,760	Little-Falls . . .	840
Wells . . .	13,200	Lebanon . . .	3,450	Coxhall . . .	1,500
Berwick . . .	20,240	Fryeburgh . . .	3,600	Limerick . . .	480
Arundel . . .	5,700	Sanford . . .	3,210		
Biddeford . . .	6,180	Brownfield . . .	480	Total . . .	102,130

## COUNTY OF CUMBERLAND.

Towns.	Wt. Beef.	Towns.	Wt. Beef.	Towns.	Wt. Beef.
Falmouth . . .	12,360	Baker's Town . . .	240	Raymondstown . . .	480
Cape-Elizabeth .	7,080	Sylvester-Town . . .	240	Royalsborough . . .	1,150
North-Yarmouth .	11,370	Gorham . . .	6,010	Gray . . .	1,290
Scarborough . .	9,330	Windham . . .	2,510	Bridgetown . . .	180
Brunswick . . .	5,640	New-Gloucester . .	3,720		
Harpwell . . .	4,200	Pearsontown . . .	2,000	Total . . .	67,900



## COUNTY OF LINCOLN.

Towns.	Wt. Beef.	Towns.	Wt. Beef.	Towns.	Wt. Beef.
Pownalborough .	7,080	Winslow .	2,420	Pittston .	3,520
Woolwich .	2,750	Hallowell .	3,260	Warren .	1,780
Boothbay .	4,670	Thomastown .	1,780	Medumcook .	1,210
Winthrop .	3,600	St. Georges .	1,560	Belfast .	490
Edgecombe .	2,230	New-Castle .	3,480		
Georgetown .	8,750	Bowdoinham .	1,390	Total .	66,090
Topsham .	4,060	Vassalborough .	3,800		
Bristol .	4,900	Waldoborough .	3,360		

## COUNTY OF BERKSHIRE.

Towns.	Wt. Beef.	Towns.	Wt. Beef.	Towns.	Wt. Beef.
Stockbridge .	6,150	Great-Barrington .	8,700	Partridgefield .	2,920
Sandisfield .	5,950	New-Ashford .	1,700	Washington .	3,220
New-Marlborough .	5,750	Egremont .	3,460	Adams .	6,310
Sheffield .	11,840	Alford .	1,900	Lee .	3,550
Mount-Washington .		Tyringham .	4,610	Ashuelot .	1,800
Lanesborough .	10,260	Windsor .	4,400	Equivalent } .	1,580
Richmond .	6,870	Loudon .	1,580	Number 7 .	3,470
Hancock .	5,730	Lenox .	5,820	West-Stockbridge .	
New-Providence .	2,600	Becket .	2,990		
Williamstown .	6,850	Pittsfield .	9,390	Total .	129,400

## COUNTY OF DUKES-COUNTY.

Towns.	Wt. Beef.	Towns.	Wt. Beef.	Towns.	Wt. Beef.
Edgartown .	5,900	Tisbury .	5,070	Chilmark .	6,300
Total .					17,370

## COUNTY OF NANTUCKET.

Town.	Wt. Beef.
Sherburn .	26,470

## SUM TOTAL.

Counties.	Wt. Beef.	Counties.	Wt. Beef.	Counties.	Wt. Beef.
Suffolk .	359,430	Barnstable .	71,280	Dukes-County .	17,370
Essex .	379,970	Worcester .	320,780	Nantucket .	26,470
Middlesex .	298,180	York .	102,130		
Hampshire .	249,820	Cumberland .	67,900	Total .	2,400,440
Plymouth .	163,030	Lincoln .	66,090		
Bristol .	149,440	Berkshire .	129,400		

[Passed September 27.<sup>1</sup>

## CHAPTER 206.

RESOLVE GRANTING £4,000 CONTINENTAL CURRENCY TO MAJ. JOHN MAY TO PROCURE FUEL FOR THE TROOPS OF THIS STATE DOING DUTY IN RHODE ISLAND.

WHEREAS it appears to this Court, by letters from Col. [John]<sup>2</sup> Jacobs, and others, that the troops of this State, now doing duty at Rhode-Island, are destitute of fuel, and no officer there to supply them: Therefore

*Resolved*, That there be paid out of the Treasury of this State, to Maj. John May, Four Thousand Pounds, in the old Continental currency, to enable him to procure fuel for the troops aforesaid, he to be accountable for the expenditure of the same; said sum to be charged to the United States. [Passed September 27.

Legislative  
Records of the  
Council,  
xl., 582.  
Mass.  
Archives,  
ccxxix., 215.  
Mass.  
Resolves,  
Sept. Session,  
chap. 70.

<sup>1</sup> This date is September 26 according to Legislative Records of the Council, but September 25 according to Massachusetts Resolves.

<sup>2</sup> Heitman, Historical Register of Officers of the Continental Army, 1914.



## CHAPTER 207.

RESOLVE REQUESTING THE PRESIDENT OF THE COUNCIL TO WRITE TO GEN. HEATH REGARDING FURTHER DRAFTS FROM THE MILITIA.

Legislative  
Records of the  
Council,  
xl., 582.  
Mass.  
Archives,  
ccxxix., 216.  
Mass.  
Resolves,  
Sept. Session,  
chap. 67.

THE COMMITTEE of both Houses to whom was referred a letter from Gen. [William]<sup>1</sup> Heath, dated the 22d September, inst., beg leave to report by way of Resolve.

THOMAS DUFFEE per Order

*Resolved*, That [Hon. Jeremiah Powell, Esq.,]<sup>2</sup> the President of the Council be, and hereby is requested to write to Maj. Gen. Heath, that in case he should have occasion for any further draughts from the several regiments of militia, included in an order of Council of July last, that he would, in the room of the 5th regiment in the county of Worcester, and the 5th regiment in the County of Middlesex, order the 3d regiment in the county of Suffolk, excepting that part thereof which is in the town of Dorchester, and the 2d regiment in the county of Plymouth, with the other regiments mentioned in said order, and Brig.-Gen. [George]<sup>3</sup> Godfrey's brigade, excepting the towns of Rochester and Wareham, in 4th regiment in the county of Plymouth.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed September 27.*]

## CHAPTER 208.

RESOLVE DIRECTING THE COMMITTEE FOR SETTLING WITH THE ARMY TO SETTLE WITH JOHN LANGDON AND OTHERS, LATE OFFICERS IN COL. HENRY JACKSON'S REGIMENT, FOR THE DEPRECIATION OF THEIR WAGES AT THE TIME THEY LEFT THE SERVICE.

Legislative  
Records of the  
Council,  
xl., 582.  
Mass.  
Archives,  
ccxxix., 220.  
Mass.  
Resolves,  
Sept. Session,  
chap. 75.

Mass.  
Archives,  
ccxxix., 221.

ON THE PETITION of John Langdon and others, late officers in Col. Henry Jackson's regiment, who have been honorably discharged, praying the depreciation of their wages may be made good to them during the time they were in service, for reasons set forth in said petition:

*Resolved*, That the Committee for settling with the army be, and they hereby are directed, to settle with the said John Langdon and the other officers mentioned in said petition, for the depreciation of their wages to the time they left the service, and certify the same to the honorable Council, any Resolve of the General Court to the contrary notwithstanding. [*Passed September 27.*]

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vii., 684.

<sup>2</sup> Legislative Records of the Council, xl., 582.

<sup>3</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vi., 526.



## CHAPTER 209.

RESOLVE PERMITTING JANE JONES TO GO TO NEW YORK, BY LAND OR WATER, TO HER BROTHER AND SISTER.

ON THE PETITION of Jane Jones, praying for liberty to go to New-York, to her brother and sister residing there:

*Resolved*, That the petitioner have liberty to repair to New-York, by the first opportunity, either by land or water, not to return to this State again, without leave first obtained from the General Court for that purpose. [*Passed September 27.*]

Legislative  
Records of the  
Council,  
xl., 582.  
Mass.  
Archives,  
ccxxix., 222.  
Mass.  
Resolves,  
Sept. Session,  
chap. 68.  
Mass.  
Archives,  
ccxxix., 223.

## CHAPTER 210.

RESOLVE ENTITLING THE OFFICERS AND SOLDIERS OF COL. WARNER'S REGIMENT TO ALL THE PRIVILEGES AND GRATUITIES OF THE FIFTEEN BATTALIONS AND DIRECTING THE COMMITTEE FOR SETTLING WITH THE ARMY TO SETTLE WITH THEM IN THE SAME MANNER.

ON THE PETITION of Lieut. Col. Samuel Safford, and Lieut. Thomas Tolman, in behalf of a number of officers and soldiers in Col. [Seth]<sup>1</sup> Warner's regiment, belonging to this State, praying they may have the depreciation of their wages made good to them, in the same manner as the officers and soldiers of the fifteen battalions of this State's quota of the Continental Army, and that they may be intitled to all other privileges and gratuities allowed to said officers and soldiers, for reasons set forth in said petition:

*Resolved*, That the officers and soldiers in Col. Warner's regiment, belonging to this State, and carried to the credit of the same, be, and they are hereby intitled to all the privileges and gratuities allowed to the officers and soldiers of the fifteen battalions of this State's quota of the Continental Army; and the Committee for settling with the army be, and they hereby are directed, to settle with said officers and soldiers, for the depreciation of their wages, in the same manner as they settle with officers and soldiers of the fifteen battalions aforesaid, and certify the same to the honorable Council. [*Passed September 27.*]

Legislative  
Records of the  
Council,  
xl., 583.  
Mass.  
Archives,  
ccxxix., 224.  
Mass.  
Resolves,  
Sept. Session,  
chap. 71.  
Mass.  
Archives,  
ccxxix., 225.

## CHAPTER 211.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF WORCESTER COUNTY.

WHEREAS it appears upon examination of the county Treasurer's account of the county of Worcester, that all the monies granted and allowed by the Courts of General Sessions of the Peace for said county, for the year 1779, were for such purposes and appropriations as the law impowers said Court to grant: Therefore

*Resolved*, That the said account be allowed. [*Passed September 27.*]

Legislative  
Records of the  
Council,  
xl., 583.  
Mass.  
Archives,  
ccxxix., 228.  
Mass.  
Resolves,  
Sept. Session,  
chap. 69.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, xv., 830.



## CHAPTER 212.

RESOLVES DIRECTING THE COMMISSARY GENERAL TO FURNISH THE GARRISON AT THE CASTLE AND AT GOVERNOR'S ISLAND WITH ONE MONTH'S SUPPLY OF PROVISIONS, OVER AND ABOVE THEIR WEEKLY SUPPLY; THE COMMANDER OF THE CASTLE TO SEND UNNECESSARY CANNON IN THE CASTLE AND OTHER FORTS IN THE HARBOR TO WATERTOWN AND UNNECESSARY CARTRIDGES TO WATERTOWN OR SUDBURY; AND THE COMMITTEE OF FORTIFICATIONS TO IMMEDIATELY COMPLETE THE WORKS ON CASTLE AND GOVERNOR'S ISLANDS THAT ARE ABSOLUTELY NECESSARY.

Legislative  
Records of the  
Council,  
xl., 584.  
Mass.  
Archives,  
cccxix., 231.  
Mass.  
Resolves,  
Sept. Session,  
chap. 72.

IT BEING REPRESENTED to this Court, by Gen. [John]<sup>1</sup> Hancock, that there is not a sufficient quantity of provisions on Castle-Island, and also that there is a number of cannon on said Island which are not wanted for its defence, likewise a number of musket cartridges more than is necessary, and also that some of the works are incomplete: Therefore

*Resolved*, That Richard Devens, Esq., Commissary-General of this State, be, and he hereby is directed, to furnish for the garrison at the Castle and Governor's-Island, one month's supply of provisions, over and above the weekly allowance. And it is further

*Resolved*, That [John Hancock, Esq.,]<sup>1</sup> the Commander of the Castle be, and he is hereby directed, to give orders that all the cannon which are now on the Castle, or any other forts in the harbour of Boston, and which are not wanted for the defence of the same, be removed to Watertown, and put under the care of some suitable person there; and the said Commander is further directed, to send all the cartridges, except so many as he judges necessary for the use of the garrison, to the State store or magazine in Watertown or Sudbury. And it is further

*Resolved*, That the Committee of fortifications be, and they are hereby directed, immediately to employ so many artificers and labourers as they may judge sufficient to compleat the works on the Castle and Governor's Island, which are absolutely necessary to put those forts in a proper state of defence. [*Passed September 27.*]

## CHAPTER 213.

Legislative  
Records of the  
Council,  
xl., 584.  
Mass.  
Archives,  
cccxix., 233.  
Mass.  
Resolves,  
Sept. Session,  
chap. 74.

RESOLVE DIRECTING THE ASSESSORS OF THE TOWN OF STOUGHTON NOT TO TAX THE POWDER MILL IN SAID TOWN DURING THE TIME THEY MAKE THEIR TAXES UPON THE PRESENT VALUATION AS SAID POWDER MILL WAS NOT RETURNED IN SAID VALUATION.

ON THE PETITION of Samuel Osgood:

*Resolved*, That the Assessors in the town of Stoughton be, and hereby are directed, not to tax the powder-mill in said town, during the time the said town make their taxes upon the present valuation, as said powder mill was not returned by said town in said valuation, and for other reasons set forth in said petition. [*Passed September 27.*]

<sup>1</sup> *Ante*, p. 205, chap. 429.

Mass.  
Archives,  
cccxix., 234.



## CHAPTER 214.

RESOLVE PERMITTING STEPHEN HALL, LATE OF CORNWALLIS, N. S.,  
TO BRING HIS FAMILY AND EFFECTS INTO THIS STATE.

THE COMMITTEE to whom was referred the petition of Stephen Hall beg leave to report by way of Resolve

BENJAMIN AUSTIN per Order

On the Petition of Stephen Hall, late an inhabitant of Cornwallis in Nova-Scotia praying that he may have leave to remove his family and effects from thence into this State:

*Resolved*, That the prayer of this petition be granted, and that Stephen Hall be and hereby is permitted, to remove from Cornwallis, in the province of Nova-Scotia, his family and effects, into this State, and all Commanders of armed vessels and others belonging to this State are directed, and all Commanders of armed vessels and others belonging to any of the United States, and all Commanders of vessels belonging to our illustrious Allies, are requested, to permit the vessel in which are the family and effects of the said Stephen Hall, to pass unmolested from Cornwallis to any part of this State.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed September 28.*<sup>1</sup>]

Legislative  
Records of the  
Council,  
xl., 583.  
Mass.  
Archives,  
ccxxix., 235.  
Mass.  
Resolves,  
Sept. Session,  
chap. 73.

Mass.  
Archives,  
ccxxix., 236.

## CHAPTER 215.

RESOLVE PERMITTING ELISHA ELDRIDGE TO CARRY ONE HOGS-  
HEAD OF TOBACCO FROM SALEM TO CAPE PURSUE, N. S., IN A  
SMALL BOAT.

THE COMMITTEE to whom was referred the petition of Elisha Eldridge beg leave to report by way of Resolve

BENJAMIN AUSTIN per Order

On the Petition of Elisha Eldridge praying that he may have liberty to transport sundry articles to Cape-Persue in the Province of Nova-Scotia:

*Resolved*, That the prayer of this petition be so far granted, that Elisha Eldridge be, and hereby is permitted to transport one hogshead of tobacco from Salem to Cape-Pursue aforesaid, in Nova-Scotia; and [Mr. Warwick Palfrey]<sup>2</sup> the Naval-Officer for the port of Salem is hereby directed to grant the necessary papers for the clearance of the said tobacco: And all Commanders of armed vessels and others belonging to this State are directed, and all Commanders of armed vessels and others belonging to any of the United States are requested, to permit the small boat in which the said tobacco is, to pass unmolested to Cape-Persue. This permit not to be in force longer than forty days from the date hereof.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed September 28.*<sup>1</sup>]

Legislative  
Records of the  
Council,  
xl., 583.  
Mass.  
Archives,  
ccxxix., 229.  
Mass.  
Resolves,  
Sept. Session,  
chap. 76.

Mass.  
Archives,  
ccxxix., 230.

<sup>1</sup> This date is September 27 according to Legislative Records of the Council and Massachusetts Resolves.

<sup>2</sup> *Ante*, p. 337, chap. 732.



## CHAPTER 216.

Legislative  
Records of the  
Council,  
xl., 584.  
Mass.

Archives,  
ccxxix., 237.  
Mass.

Resolves,  
Sept. Session,  
chap. 81.

Mass.  
Archives,  
ccxxix., 238.

RESOLVE CONFIRMING THE CHOICE OF GERSHAM RAMSDELL AS COLLECTOR OF TAXES FOR THE TOWN OF PEMBROKE THOUGH CHOSEN IN JULY INSTEAD OF MARCH.

ON THE PETITION of John Turner, in behalf of the town of Pembroke, praying that the choice of Garsham Ramsdell, who was in July last chose a Collector of taxes for said town of Pembroke, may be confirmed and made good and valid:

*Resolved*, That the prayer of said petition be granted, and that the choice of the said Garsham Ramsdell be and hereby is confirmed and made good and valid, notwithstanding the month of March being elapsed. [*Passed September 28.*]

## CHAPTER 217.

RESOLVE DIRECTING THE COMMITTEE FOR SETTLING WITH THE ARMY TO SETTLE THE DEPRECIATION OF JOSIAH WHEELER AND ANY MEN IN HIS COMPANY WHO ENLISTED FOR THREE YEARS OR DURING THE WAR, AND CONTINUED IN SERVICE, IN THE SAME MANNER AS WITH THE CORPS OF ARTIFICERS UNDER MAJ. JOSEPH EAYRES AT SPRINGFIELD.

ON THE PETITION of Josiah Wheeler, praying that he and a number of men under his command may have the depreciation of their wages allowed:

*Resolved*, That the Committee for settling the depreciation of the wages of this State's quota of the Continental Army, be and they are hereby directed to settle with the said Josiah Wheeler and any men in his company, who were enlisted for three years or during the war, and continued in service agreeable to their enlistment, in the same manner as they settle with the corps of artificers under Maj. [Joseph Eayres]<sup>1</sup> Ayres at Springfield, taking into consideration any extra pay they received over and above their original establishment. [*Passed September 28.*]

Legislative  
Records of the  
Council,  
xl., 585.  
Mass.

Archives,  
ccxxix., 239.  
Mass.

Resolves,  
Sept. Session,  
chap. 78.

Mass.  
Archives,  
ccxxix., 240.

## CHAPTER 218.

RESOLVES EMPOWERING THE TOWN OF HANCOCK TO CHOOSE A CONSTABLE AND COLLECTOR IN THE ROOM OF HEZEKIAH OSBORNE AND DIRECTING THE TREASURER TO SUSPEND HIS EXECUTIONS AGAINST SAID TOWN FOR TWO MONTHS FROM THE DAY HE WOULD HAVE ISSUED THE SAME.

ON THE PETITION of the Selectmen of the town of Hancock:

*Resolved*, That the Selectmen of the town of Hancock be empowered forthwith to call a meeting of the inhabitants of said town, who, when convened, are hereby authorized and empowered, to make choice of a Constable and Collector of taxes, in the room of Hezekiah Osborne, who was chosen at their annual meeting, in March last, for reasons set forth in said petition, any law of this State to the contrary notwithstanding. And it is further

*Resolved*, That [Henry Gardner, Esq.,]<sup>2</sup> the Treasurer of this

Legislative  
Records of the  
Council,  
xl., 585.  
Mass.

Archives,  
ccxxix., 243.  
Mass.

Resolves,  
Sept. Session,  
chap. 79.

Mass.  
Archives,  
ccxxix., 241.

<sup>1</sup> *Ante*, p. 559, chap. 83.

<sup>2</sup> *Ante*, p. 337, chap. 734.



State be, and he hereby is directed, to suspend the issuing of his executions against the Constable of said town for the taxes assessed on them, for the term of two months from the day on which he has been directed to issue executions against the delinquent Collectors, any Resolve to the contrary notwithstanding. [*Passed September 28.*]

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## CHAPTER 219.

RESOLVE EMPOWERING JOHN LEE TO SELL THE OLD MANSION HOUSE, OUTHUSES AND LAND OF ROBERT BRECK, LATE OF BOSTON, DECEASED, BEING THE PROPERTY OF HIS TWO SONS DAVID AND JOHN LEE, MINORS.

ON THE PETITION of John Lee, praying he may be empowered to make sale of an old dwelling-house and out-house, with the land thereunto belonging, being the property of his two sons, David Lee and John Lee, now minors; said house and land lying in the town of Boston, being the old mansion-house of Mr. Robert Breck, late of Boston, deceased, for reasons set forth in his petition:

*Resolved*, That the above-named John Lee, the petitioner, be, and he is hereby empowered and authorized, to make sale of the mansion-house and land, together with the out-houses thereon, for the most they will fetch, and execute a good deed or deeds thereof, to the purchaser or purchasers, and vest the same in real estate, in full value thereof, for the benefit of the said David Lee and John Lee, minors; the said petitioner first giving bond to the Judge of Probate of the county of Essex, with good security for the performance of the same. [*Passed September 28.*]

Legislative  
Records of the  
Council,  
xl., 585.  
Mass.  
Archives,  
ccxxix., 244.  
Mass.  
Resolves,  
Sept. Session,  
chap. 77.  
Mass.  
Archives,  
ccxxix., 245.

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## CHAPTER 220.

RESOLVE EMPOWERING JONATHAN TITCOMB TO SELL AN OLD HOUSE, OUT OF REPAIR, AND NINE RODS OF LAND IN NEWBURYPORT, DEVISED TO HIM AND THE CHILDREN OF HIS TWO BROTHERS, THREE OF WHOM ARE MINORS.

ON THE PETITION of Jonathan Titcomb, praying he may be empowered to make sale of an old house out of repair, with nine rods of land, lying in Newbury-Port, devised to him and the children of his two brothers, three of which are minors, for reasons set forth in said petition:

*Resolved*, That the prayer of the petition be granted, and that the said Jonathan Titcomb be, and he is hereby empowered, to make sale of the said house and land, for the most the same will fetch, and to execute a good deed or deeds of the same, to the purchaser or purchasers, and secure the same to the minors at its value, with interest. [*Passed September 28.*]

Legislative  
Records of the  
Council,  
xl., 586.  
Mass.  
Archives,  
ccxxix., 248.  
Mass.  
Resolves,  
Sept. Session,  
chap. 76.  
Mass.  
Archives,  
ccxxix., 249.



## CHAPTER 221.

RESOLVE ALLOWING THE TREASURER TO FURNISH THE COUNCIL COMMITTEE TO CONCUR AND PAY ACCOUNTS WITH RECEIPTS IN FAVOR OF OR ORDERS ON THE CONSTABLES AND COLLECTORS FOR DISCHARGING SUCH ACCOUNTS FOR MILEAGE AS SHALL BE EXAMINED AND ALLOWED AND APPEAR ABSOLUTELY NECESSARY TO BE PAID.

Legislative  
Records of the  
Council,  
xl., 586.  
Mass.  
Archives,  
ccxxix., 250.  
Mass.  
Resolves,  
Sept. Session,  
chap. 80.

*Ante*, p. 516,  
chap. 192.

WHEREAS by a Resolve of this Court of the 22d inst. the Committee on the part of the honorable Board for paying accompts, are directed immediately to pay to the selectmen of the several towns within this State, all the mileage money paid by them to any of the soldiers within this State, said selectmen producing proper certificates of the same being paid, agreeable to any Resolve of the General Court of this State, and by the same Resolve, the sum of Seven Thousand five Hundred Pounds is appropriated for that purpose; and it now appearing to this Court that it is not in the power of [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer to furnish said Committee with money sufficient to pay said mileage, and at the same time answer such other pressing demands as are daily made on the treasury for other important purposes: Therefore

*Resolved*, That the Treasurer be, and hereby is at liberty to furnish said Committee with receipts in favour of, or orders on the several constables and collectors within this State, for the discharging of such accounts as have or shall be examined and allowed by the Committee on accounts, and which appear absolutely necessary should be paid in the opinion of said Committee, said Committee to be accountable for the expenditure of the same. [*Passed September 28.*]

## CHAPTER 222.

RESOLVES EMPOWERING THE TOWN OF PLYMOUTH TO CHOOSE ANOTHER COLLECTOR OR COLLECTORS, WITH FULL POWERS AS IF CHOSEN AT THE MARCH MEETING, PROVIDED RETURN IS MADE OF THE NAME OF SUCH, AND THE SUM OR SUMS OF MONEY TO BE COLLECTED, ON OR BEFORE THE 16TH OF OCTOBER NEXT AND DIRECTING THE TREASURER TO STAY HIS EXECUTIONS AGAINST SAID COLLECTOR OR COLLECTORS UNTIL THE 10TH OF NOVEMBER NEXT.

Legislative  
Records of the  
Council,  
xl., 586.  
Mass.  
Archives,  
ccxxix., 254.

Mass.  
Archives,  
ccxxix., 253  
255.

ON THE MEMORIAL of the Hon. James Warren and others, Agents for the town of Plymouth, praying that said town may be enabled to chuse another Collector or Collectors, &c.

*Resolved*, That the prayer of the petition be granted, and that the town of Plymouth be, and hereby is authorised and impowered, to chuse another Collector, or Collectors, as they shall think proper, at a meeting to be called for that purpose; who shall have as full and ample powers as tho' chosen at the annual Town Meeting in the month of March: Provided, the Assessors of said town shall, on or before the 16th Day of October next, make return of the name of such Collector or Collectors, together with such sum or sums of money as to him or them shall be committed to collect in consequence of any tax already granted by this Court. Also

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer and Receiver-General be, and hereby is directed to stay his execution against such Collector or Collectors until the 10th day of November next. [*Passed September 28.*]

<sup>1</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 223.

RESOLVE GRANTING £23,203. 4s. 2d., OLD EMISSION, OR THE EQUIVALENT THERETO, NEW EMISSION, TO HON. ELBRIDGE GERRY, ESQ., FOR BALANCE DUE HIM FOR SERVICES AND EXPENSES AS DELEGATE AT CONGRESS FROM JANUARY, 1776, TO JULY, 1780.

*Resolved*, That there be paid out of the Treasury of this State, to the Hon. Elbridge Gerry, Esq., the sum of Twenty-three Thousand two Hundred and three Pounds four Shillings and two Pence, in bills of the old emission, or in bills of the new emission equivalent thereto, in full for the ballance of his account rendered for services done and expences incurred as a Delegate for this State at Congress, from January 1776, to July 1780. [*Passed September 28.*]

Legislative  
Records of the  
Council,  
xl., 586.  
Mass.  
Archives,  
ccxxi., 70.  
Mass.  
Resolves,  
Sept. Session,  
chap. 82.

## CHAPTER 224.

RESOLVE EMPOWERING ABIJAH KENDALL TO ENTER AN APPEAL FROM THE JUDGMENT OF THE INFERIOR COURT AT WORCESTER, SEPTEMBER, 1780, IN FAVOR OF SARAH BRADISH, TO THE NEXT SUPERIOR COURT TO BE HOLDEN AT WORCESTER IN APRIL NEXT, AND STAYING THE EXECUTION THEREON.

THE COMMITTEE of both Houses to whom was referred the petition of Abijah Kendall have attended that service and beg leave to report the following Resolve, which is submitted

MOSES GILL per Order

On the Petition of Abijah Kendall:

*Resolved*, That the prayer of said petition be granted, and that the said Abijah Kendall be, and he is hereby empowered to enter an appeal from the judgment of the Inferior Court in the county of Worcester, at the term of September 1780, in the action of Sarah Bradish against him, to the next Superior Court of Judicature, Court of Assize, &c. to be holden at Worcester, in and for the county of Worcester, on the Tuesday next preceeding the last Tuesday of April next, and said action shall have day in said court, and be proceeded in as though an appeal from said judgment of said Inferior Court had been recorded at said Inferior Court in due form of law. And the execution of said judgment and all proceedings thereon are hereby staid till the determination of said superior court shall be had thereon.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed September 28.*]

Legislative  
Records of the  
Council,  
xl., 587.  
Mass.  
Archives,  
ccxxix., 259.  
Mass.  
Resolves,  
Sept. Session,  
chap. 84.

Mass.  
Archives,  
ccxxix., 256.

## CHAPTER 225.

RESOLVES GRANTING £10,000, NEW EMISSION, TO THE BOARD OF WAR AND REQUESTING THE COUNCIL TO ISSUE THEIR WARRANT FOR THE SAME AND TO GIVE BRIGADIER WADSWORTH SUCH FURTHER ORDERS AS MAY BE NECESSARY FOR THE PROTECTION OF THE COUNTY OF LINCOLN.

WHEREAS it appears by the representation of the Board of War, that they labour under great difficulties for want of money to carry on the various branches of business in their department, and that the sum of Eighteen Thousand Pounds, new money, is necessary

Legislative  
Records of the  
Council,  
xl., 587.  
Mass.  
Archives,  
ccxxix., 260.



Mass.  
Resolves,  
Sept. Session,  
chap. 92.

to enable them to execute the purposes mentioned in their representation: Therefore

*Resolved*, That there be paid out of the Treasury of this State, the sum of Ten Thousand Pounds, in the new emission, and the Council are hereby requested to issue their warrant on [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer, in favour of the Board of War for the aforesaid sum. And it is further

*Resolved*, That the Honorable major part of the Council be requested to give Brig. [Peleg]<sup>2</sup> Wadsworth such further orders as may be necessary for the protection of the county of Lincoln. [Passed September 29.]

## CHAPTER 226.

RESOLVE INSTRUCTING THE DELEGATES OF THIS STATE AT CONGRESS TO SEE THAT NO DETERMINATION WITH REGARD TO THE HAMPSHIRE GRANTS BE TAKEN AT PRESENT, THAT ALL FURTHER CONSIDERATION BE SUSPENDED TILL TIME AND CIRCUMSTANCES WILL ADMIT OF A FULL AND AMPLE DISCUSSION, AND THAT CONGRESS TAKE STEPS TO PREVENT ANY GRANTS BEING MADE.

Legislative  
Records of the  
Council,  
xl., 587.  
Mass.  
Archives,  
cccxix., 268.  
Mass.  
Resolves,  
Sept. Session,  
chap. 91.

WHEREAS the multiplicity of public business and the hurry occasioned by the war, have hitherto prevented this State from making and supporting their claim to a great proportion of the lands formerly called the Hampshire Grants, and now contained within the limits of the State of Vermont, so called, and whereas this State will be able in due time to shew their right and title to a large proportion of the lands aforesaid: Therefore

*Resolved*, That the Delegates of this State at Congress, be and hereby are instructed to move, and use their influence with Congress, that no determination with regard to said lands be taken at present, and that all further consideration of that matter be suspended 'till time and circumstances will admit of a full and ample discussion, and that Congress in the mean time take proper steps to prevent any Grants of the aforesaid land being made by any person or persons. [Passed September 29.]

## CHAPTER 227.

VOTE REFERRING TO THE COUNCIL A LETTER OF GOV. GREEN OF RHODE ISLAND, REPRESENTING THE CASE OF MARTIN BENSON.

Legislative  
Records of the  
Council,  
xl., 587.  
Mass.  
Archives,  
cccxix., 269.

THE COMMITTEE of both Houses appointed upon the letter<sup>3</sup> of William Green, Governor of Rhode Island, representing the case of Mr. Martin Benson, having considered the same, ask leave to report as their opinion, that the said letter with the papers accompanying should be referred to the major part of the Council that they may take such order thereon, as the nature of the case requires.

Which is submitted

MOSES GILL per Order

In Council

Read and Accepted.

In the House of Representatives

Read and Concurred. [Passed September 29.]

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> *Ante*, p. 399, chap. 863.

<sup>3</sup> Letter not found in Massachusetts Archives.



## CHAPTER 228.

RESOLVE GRANTING £187. 18s. 9d. 3F., NEW MONEY, TO HON. GEORGE PARTRIDGE, ESQ., FOR HIS SERVICES AND EXPENSES AS A MEMBER OF CONGRESS FROM AUGUST, 1779, TO MAY 2, 1780.

*Resolved*, That there be paid out of the Treasury of this State, to the Hon. George Partridge, Esq., the sum of One Hundred and eighty-seven Pounds eighteen Shillings and nine Pence three Farthings, in the new money, in full discharge of his accounts for services and expences as a member of Congress for this State, from August, 1779, to May 2d, 1780. [*Passed September 29.*]

Legislative  
Records of the  
Council,  
xl., 588.  
Mass.  
Archives,  
ccxxix., 270.  
Mass.  
Resolves,  
Sept. Session,  
chap. 99.  
Mass.  
Archives,  
ccxxix., 271-  
282.

## CHAPTER 229.

VOTE CHOOSING MANAGERS OF THE LOTTERY FOR REPAIRING THE ROAD THROUGH THE GREEN WOODS IN THE ROOM OF THOSE WHO DECLINE SERVING.

In the House of Representatives

The House, by Ballot, made choice of Col. John Brown of Pittsfield, Capt. William Walker, of Lenox, and Ephraim Fitch, of Egremont, as Managers of the lottery lately granted by an Act of the General Court, for raising a sum of money to repair the road through the Green Woods, in the room of Mr. [Theodore]<sup>1</sup> Sedgwick, Mr. [Jahleel]<sup>1</sup> Woodbridge, and Dr. [John]<sup>1</sup> Sibley, who decline serving.

In Council

Read and Concurred. [*Passed September 29.*]

Legislative  
Records of the  
Council,  
xl., 588.  
Mass.  
Archives,  
ccxxix., 283.  
Mass.  
Resolves,  
Sept. Session,  
chap. 85.  
Province  
Laws, v.,  
1393, chap. 1.  
*Ante*, p. 515,  
chap. 1.

## CHAPTER 230.

RESOLVE DIRECTING THE COMMITTEE TO SUPERINTEND PURCHASES TO PURCHASE CATTLE, IN ADDITION TO THOSE THEY RECEIVE FROM THE TOWNS, SUFFICIENT TO FORWARD 385 HEAD WEEKLY.

THE COMMITTEE of both Houses appointed to consider the letter of the Hon. [Samuel Huntington, Esq.,]<sup>2</sup> the President of Congress, of the 15th of Sept. current relative to supplying the army with beef, have attended thereon, and report by way of Resolve

ELEAZER BROOKS per Order

*Resolved*, That the Committee appointed to superintend purchases be, and hereby are directed, to purchase so many cattle as, in addition to the cattle they shall receive from the several towns in this State, in consequence of a resolve passed the 26th of September, 1780, shall be sufficient to forward the number of Three Hundred and eighty-five head weekly, agreeable to a resolution of Congress, of the 15th of September, 1780.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed September 29.*]

Legislative  
Records of the  
Council,  
xl., 588.  
Mass.  
Archives,  
ccxxix., 284.  
Mass.  
Resolves,  
Sept. Session,  
chap. 95.  
*Ante*, p. 621,  
chap. 205.

<sup>1</sup> Province Laws, v., 1393, chap. 1.

<sup>2</sup> Journals of the Continental Congress.



## CHAPTER 231.

RESOLVE REMITTING A FINE OF £1,800 LAID ON THE TOWN OF HANCOCK FOR DEFICIENCY IN NINE MONTHS' MEN TO SERVE IN THE CONTINENTAL ARMY.

Legislative  
Records of the  
Council,  
xl., 588.  
Mass.  
Archives,  
ccxix., 286.  
Mass.  
Resolves,  
Sept. Session,  
chap. 96.

Mass.  
Archives,  
ccxix., 285.  
*Ante*, p. 44,  
chap. 75.

ON THE PETITION of Samuel Hand, in behalf of the town of Hancock:

*Resolved*, That the fine of Eighteen Hundred Pounds, laid on said town for not completing their quota of men to serve in the Continental army for nine months, be remitted, for reasons set forth in said petition; and [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State is hereby authorized and directed, to pay said sum of Eighteen Hundred Pounds either in the old bills of credit of the United States, or an equivalent in the new money, in the hands of the selectmen of said town, for the use of said town of Hancock. [*Passed September 29.*]

## CHAPTER 232.

RESOLVE VALIDATING THE EXECUTION OF JOHN LANGDON AND EBENEZER WHITTIER AGAINST THE ESTATE OF JAMES CARGILL OF NEWCASTLE, SUSPENDED BY RESOLVE OF THE GENERAL COURT IN JUNE LAST.

Legislative  
Records of the  
Council,  
xl., 588.  
Mass.  
Archives,  
ccxix., 287.  
Mass.  
Resolves,  
Sept. Session,  
chap. 98.

*Ante*, p. 579,  
chap. 114.

ON THE PETITION of John Langdon:

*Resolved*, That the service of an execution on the estate of James Cargill, of Newcastle, by David Murray, deputy-sheriff, in favour of John Langdon and Ebenezer Whittier, of Pownalborough, which execution was suspended by an order of the General Court in June last, until the 3d Wednesday of the then next session of the General Court, be as valid as it would have been had no such order ever been issued, the aforesaid Resolve or Order to the contrary notwithstanding. [*Passed September 29.*]

## CHAPTER 233.

RESOLVE GRANTING £6 PER MONTH, NEW CURRENCY, TO THOMAS FOSTER, KEEPER OF THE POWDER HOUSE IN BOSTON, FROM JANUARY 1, 1778, TO OCTOBER 1, 1780.

Legislative  
Records of the  
Council,  
xl., 589.  
Mass.  
Archives,  
ccxix., 289.  
Mass.  
Resolves,  
Sept. Session,  
chap. 88.

Mass.  
Archives,  
ccxix., 290-  
292.

ON THE PETITION of Thomas Foster, Keeper of the powder house in Boston, for payment of past services:

*Resolved*, That the prayer of the petition be granted, and that there be paid out of the public Treasury to the said Thomas Foster, in the new currency, the sum of six Pounds per month, to commence from the 1st of January, 1778, to the 1st Day of October, 1780. [*Passed September 29.*]

<sup>1</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 234.

RESOLVE GRANTING £75, OLD BILLS, TO ISRAEL BARNEY FOR HIS TIME AND EXPENSES IN REPRESENTING TO THIS COURT THE INIMICAL CONDUCT OF JERATHMIEL BOWERS, ESQ., OF SWANSEA.

Legislative  
Records of the  
Council,  
xl., 589.  
Mass.  
Archives,  
ccxxix., 293.  
Mass.  
Resolves,  
Sept. Session,  
chap. 89.

IT BEING REPRESENTED to this Court by Israel Barney, that he has been at considerable expence in representing to this Court the inimical conduct of Jerathmiel Bowers, Esq., of Swansey:

*Resolved*, That there be paid out of the public Treasury of this State to Israel Barney, the sum of seventy-five Pounds in the old bills, or an equivalent in the new emission, in full compensation for his time and expences as aforesaid. [*Passed September 29.*]

Mass.  
Archives,  
ccxxix., 294-  
295a. Province  
Laws, xx.,  
434, chap. 36.

## CHAPTER 235.

RESOLVES DIRECTING THE AGENTS TO RECEIVE CLOTHING TO DELIVER SAME TO THE COMMITTEE FOR PURCHASING AND FORWARDING STORES OR TO THE STATE CLOTHIER, TO EXHIBIT THEIR ACCOUNTS TO SAID COMMITTEE FOR PAYMENT AND TO LODGE RECEIPTS FOR CLOTHING IN THE SECRETARY'S OFFICE.

WHEREAS by a Resolve of the General Court, passed the 4th of May last, the Agents appointed in the several counties in this State to receive from the towns in their respective counties the articles of clothing required by said Resolve, are directed to send said articles to such places as the General Court shall order: Therefore

Legislative  
Records of the  
Council,  
xl., 589.  
Mass.  
Archives,  
ccxxix., 296.  
Mass.  
Resolves,  
Sept. Session,  
chap. 97.

*Resolved*, That the Agents in the counties of Suffolk, Essex, Middlesex, Plymouth, Barnstable, Bristol, York, Cumberland, Lincoln, Duke's-County, and Nantucket, be, and they are hereby directed, to transport and deliver said articles at such a place in the town of Boston, as Ebenezer Wales, Esq., and Capt. Amasa Davis, the Committee appointed for purchasing and forwarding stores for this State's quota of the Continental Army, shall order. And the Agents for the counties of Worcester and Hampshire be, and they are hereby directed, to transport said articles to such a place in the town of Springfield as said Committee shall order; the aforesaid articles to be under the care and direction of said Committee. And the Agent for the county of Berkshire is hereby directed to send said articles to this State's Clothier at camp, as soon as may be, taking two receipts for the same, one of which to be lodged with said Committee: And the said Committee are hereby directed to forward said articles (excepting those of Berkshire county) to this State's Clothier, at such times and in such ways as shall best promote the public service.

*Ante*, p. 488,  
chap. 1092.

And if there are any other Agents who have on hand any articles of clothing delivered them in compliance with any former Resolutions of the General Court, they are hereby directed immediately to deliver the same to the Agents appointed by the said Resolve of the 4th of May last; and said Agents are hereby directed to transport them agreeable to these Resolutions. And it is further

*Resolved*, That the several Agents exhibit an account of their whole time and expence in collecting and transporting said articles, to the aforesaid Committee, for allowance and payment; and said Committee are hereby directed to pay the same, provided said accounts appear to them to be just and reasonable. And it is further



*Resolved*, That said Agents be, and they are hereby directed, to take duplicate receipts of said Committee for the articles delivered them, one of which to be lodged in the Secretary's-office. [*Passed September 29.*]

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## CHAPTER 236.

Legislative  
Records of the  
Council,  
xl., 590.

Mass.  
Archives,  
ccxxix., 299.

Mass.  
Resolves,  
Sept. Session,  
chap. 83.

Mass.  
Archives,  
ccxxix., 300.

RESOLVE GRANTING £5, NEW CURRENCY, TO JOSEPH BERNARD FOR RIDING EXPRESS FROM FALMOUTH TO BOSTON.

ON THE PETITION of Joseph Bernard [of Falmouth, Cumberland County]<sup>1</sup>

*Resolved*, That there be paid out of the public treasury, to Joseph Bernard, the sum of five Pounds in the new currency, in full for his service in riding express from Falmouth to Boston, as mentioned in his petition. [*Passed September 29.*]

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## CHAPTER 237.

RESOLVE DIRECTING THE SELECTMEN OF SPENCER TO PURSUE SUCH MEASURES WITH WILLIAM MANNING AS TO OBLIGE HIM (WHILE ABLE) TO LABOR FOR THE HELP OF SUPPORTING HIMSELF AND FAMILY.

Legislative  
Records of the  
Council,  
xl., 590.

Mass.  
Archives,  
ccxxix., 302.

Mass.  
Resolves,  
Sept. Session,  
chap. 86.

*Ante*, p. 403,  
chap. 82.

WHEREAS it is represented that William Manning, with his family, being of the poor of the town of Charlestown, now resident in the town of Spencer, in the county of Worcester, and supported at the public expence, although capable of earning great part of his subsistence, lives an idle inactive life: Therefore

*Resolved*, That the Selectmen of the town of Spencer be, and they hereby are directed to take and pursue such measures with the said William Manning, as shall oblige him (while able) to labour for the help [of] supporting himself and family. [*Passed September 29.*]

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## CHAPTER 238.

RESOLVE EMPOWERING DAVID SEARL, ELDEST SON OF, AND ADMINISTRATOR ON THE ESTATE OF JOSIAH SEARL, LATE OF SOUTHAMPTON, DECEASED, TO DEED ONE MOIETY OF 101 ACRES OF LAND, CALLED THE TWELFTH DRAUGHT OF THE OVERPLUS LAND IN SOUTHAMPTON TO GIDEON SEARL.

Legislative  
Records of the  
Council,  
xl., 590.

Mass.  
Archives,  
ccxxix., 306.

Mass.  
Resolves,  
Sept. Session,  
chap. 90.

Mass.  
Archives,  
ccxxix., 307.

WHEREAS David Searl, eldest son and administrator on the estate of Josiah Searl, late of Southampton, in the county of Hampshire, deceased, has represented that the said Josiah was a joint purchaser with Gideon Searl, of one Hundred and one acres of land, called the twelfth draught of the overplus land in said Southampton, the deeds of which land were executed to the said Josiah only, though the said Gideon paid one moiety of the purchase money, and that the said Josiah in his life time became obligated to the said Gideon to make and execute a good deed, with warranty of one moiety of said land to the said Gideon, his heirs and assigns, but before the performance of said obligation, the said Josiah departed this life. And whereas the said David Searl has petitioned this Court that he may be empowered to

<sup>1</sup> Massachusetts Archives, ccxxix., 300.



execute a good deed, with warranty to the said Gideon Searl of one moiety of the said twelfth draught of the overplus land in said Southampton, according to the intention and design of said deceased: Therefore

*Resolved*, That the prayer of said petition be, and the same is hereby granted, and the said David Searl be and hereby is empowered to execute a good deed of said moiety of one Hundred and one acres of land to the said Gideon Searl, his heirs and assigns for ever. [*Passed September 29.*]

## CHAPTER 239.

RESOLVE PERMITTING JOHN COX OF FALMOUTH AND HIS FAMILY TO GO TO CORNWALLIS, N. S., IN A SMALL VESSEL, CARRYING WITH THEM HOUSEHOLD GOODS AND SOME SMALL EFFECTS.

ON THE PETITION of John Cox, of Falmouth, praying that he may remove with his family and some small effects that he has, to Cornwallis, in Nova-Scotia:

*Resolved*, That the prayer of said petition be granted, and that the said John Cox, with his family, be, and they are hereby permitted, to leave this State and proceed to Cornwallis, in Nova-Scotia, in a small vessel, and that he be allowed to carry with him his household goods and some other small effects, to be under the inspection of the selectmen of Falmouth; and all armed vessels belonging to this State be, and they are hereby directed, not to molest the said John Cox in his passage from Falmouth to Cornwallis, in Nova-Scotia. [*Passed September 29.*]

Legislative  
Records of the  
Council,  
xl., 590.  
Mass.  
Archives,  
ccxxix., 308.  
Mass.  
Resolves,  
Sept. Session,  
chap. 94.

Mass.  
Archives,  
ccxxix., 309.

## CHAPTER 240.

RESOLVE EMPOWERING THE HEIRS OF JOHN HARRIS, LATE OF BOSTON, DECEASED, TO SELL HIS ESTATE IN FISH STREET IN THE NORTH END OF BOSTON.

ON THE PETITION of Anna Tufton widow, Sarah Owen widow, Edward How, and Abigail his wife, Samuel Gridley and Elizabeth his wife, Christopher Marshall and Rachel his wife, John Newell, in his capacity as guardian to his children, namely, Patty, Prudence, and Sarah, and John Badger, guardian to his daughter Patty, [heirs of John Harris, late of Boston, boatbuilder, deceased], praying for liberty to make sale of one large and one small wooden tenement situate in Fish-street, north end Boston [as it will not admit of division]:

*Resolved*, That the said petitioners Anna Tufton, Sarah Owen, Edward How and Abigail his wife, Samuel Gridley and Elizabeth his wife, Christopher Marshall and Rachel his wife, John Newell, and John Badger, be, and they are hereby empowered to make sale of the two said tenements, consisting of one large and one small wooden tenements, lying in Fish-street, North-end Boston, for the most the same will fetch, and to execute a good deed or deeds of the same; and the petitioners John Newell, guardian to his children, and John Badger, guardian to his daughter Patty, first giving bond to the Judge of Probate in the county of Suffolk, that the proceeds of said minors part of said sale shall be put out upon interest for the benefit of the said minors. [*Passed September 29.*]

Legislative  
Records of the  
Council,  
xl., 591.  
Mass.  
Archives,  
ccxxix., 303.  
Mass.  
Resolves,  
Sept. Session,  
chap. 87.

Mass.  
Archives,  
ccxxix., 304.



## CHAPTER 241.

RESOLVES ACCEPTING THE RESOLUTIONS OF THE CONVENTION LATELY HELD AT BOSTON INSTRUCTING THE DELEGATES AT CONGRESS TO CONFEDERATE WITH THE OTHER NINE OR MORE OF THE UNITED STATES, DIRECTING THE SENDING OF THE ANNEXED LETTER TO CONGRESS WITH A COPY OF THE PROCEEDINGS OF THE SAID CONVENTION, AND APPOINTING TWO COMMISSIONERS TO MEET OTHERS AT HARTFORD IN NOVEMBER NEXT AS TO FURNISHING MEN AND PROVISIONS FOR THE ARMY.

Legislative  
Records of the  
Council,  
xl., 559.  
Mass.  
Archives,  
ccxxix., 30.  
Mass.  
Resolves,  
Sept. Session,  
chaps. 103, 104.

THE COMMITTEE of both Houses appointed to take under their consideration that part of the report of the Committee, to whom was referred the Resolution of the Convention held at Boston the 3d of August, last, which respects the 12th and 13th of said Resolutions, have attended the service and take leave to report by way of Resolve, which is submitted.

THOMAS CUSHING per Order

*Resolved*, That the 12th and 13th resolutions of the Convention lately held at Boston, be, and hereby are so far accepted, as that the Delegates representing this State at Congress, be, and hereby are instructed, to confederate with such other nine, or more, of the United States, as will accede to the Confederation proposed by Congress; and the Delegates aforesaid are hereby directed to use their influence with Congress, to pursue the measures therein recommended, so far as they think they can possibly comply with them, consistent with the interest and safety of the public.

*Resolved*, That a fair copy of the annexed letter, directed to the President of the Congress, upon the subject of the 12th and 13th resolutions of the Convention beforementioned, be signed by [Hon. James Bowdoin, Esq.,]<sup>1</sup> the President of the Council, in the name and behalf of the General Assembly, and forwarded to Congress, together with a copy of the proceedings of the Convention aforesaid.

*Resolved*, That two Commissioners be appointed to meet at Hartford, in the State of Connecticut, such Commissioners as may be chosen by the other States, on the 2d Wednesday of November next, to advise and consult upon measures for furnishing their quotas of men and provisions for the army.

SIR,

A Convention of Committees from the States of New-Hampshire, Massachusetts, and Connecticut, was held in this town on the 3d of August last, to advise and consult on the affairs of the war, &c. They agreed upon a number of Resolutions, contained in a report of their proceedings, a copy of which you have inclosed. The Resolutions have already been approved of by the General Assembly, under certain restrictions as mentioned in the inclosed Resolves, particularly the 12th and 13th, which I am directed by the assembly, to submit to the consideration of the body in which you preside. In the opinion of the Assembly it is of great importance that the Confederation of the United States should be compleated immediately, and thereby the union of the States fixed in a more solid and permanent manner, and Congress be invested with those powers, which are necessary for the government and direction of all such affairs as do not, nor can come within the jurisdiction of the particular States.

The drafting men to fill up our battalions for three and six months, is found to be a method very precarious, expensive and

<sup>1</sup> Legislative Records of the Council, xl., 559, 591.



burthensome; to prevent the embarrassments resulting from a repetition thereof, it is the earnest wish of the Assembly that Congress would take this matter into their consideration, and desire and recommend to the several States, some effectual method to compleat the battalions during the war, or for three years at least.

With respect to supplies for the army, experience hath taught us, that by calling on the several States (whose Assemblies are composed of a great number of persons who must deliberate upon every measure, and consequently must be very slow in their final determinations) for the specific articles that are wanted, the army has been fed only from day to day; and at some times almost entirely destitute of any provision at all: This hath repeatedly placed them in a very critical and dangerous situation, it is therefore submitted to the superior wisdom of Congress, whether for the next campaign, if the States were called upon for men and money only, and the supplies were to be procured by Congress under the direction of their own officers, it is not highly probable, the army might be regularly and punctually supplied, and at a much less expence. And as it is probable the money called for from the States may not come in so seasonably as might be expected, might not Congress, to answer particular emergencies, procure money by foreign loans? We suggest the measure last mentioned, as it is apprehended it would not be true policy, under the present circumstances of the United States (if practicable) solely by taxation to defrey the charges arising within the course of the year, of such an expensive war as we are engaged in, it is what no nation, under similar circumstances, ever accomplished, if they ever attempted it.

Upon the whole, we confide in the wisdom of Congress, that if the measures in the Resolutions referred to, should prove to their acceptance, that they will adopt them so far as they can, consistent with the interest and safety of the public.

President of Congress.

In Council

Read and Accepted

In the House of Representatives

Read and Concurred. [*Passed September 30.*<sup>1</sup>

## CHAPTER 242 .

RESOLVE GRANTING £10. 16s., NEW MONEY, TO THE ESTATE OF THE HON. JEDEDIAH FOSTER, ESQ., FOR SERVICES RENDERED BY HIM IN 1773 AND 1774.

ON THE PETITION of Dwight Foster, setting forth, that this State is in debt to the estate of his honored father for services performed, as set forth in said petition:

*Resolved*, That there be paid out of the public Treasury of this State to Dorothy Foster, administratrix on the estate of the late Hon. Jedediah Foster, Esq., or her order, ten Pounds sixteen Shillings in the new money, in full compensation for services performed by order of the General Court in the year 1773 and 1774, as per account exhibited.<sup>2</sup> [*Passed September 30.*

Legislative  
Records of the  
Council,  
xl., 592.  
Mass.  
Archives,  
ccxxix., 314.  
Mass.  
Resolves,  
Sept. Session,  
chap. 93.  
Mass.  
Archives,  
ccxxix., 315,  
316.

<sup>1</sup> This date is same in Massachusetts Resolves, but is September 14 according to Legislative Records of the Council.

<sup>2</sup> Massachusetts Archives, ccxxix., 316.



## CHAPTER 243.

RESOLVES DIRECTING PAYMENT TO THE SELECTMEN, WHO PROCURED HORSES FOR THE COUNTRY'S SERVICE, BY DEDUCTION FROM THE STATE TAX OR BY ANTEDATED NOTES.

Legislative  
Records of the  
Council,  
xl., 592.  
Mass.  
Archives,  
ccxxix., 317.  
Mass.  
Resolves,  
Sept. Session,  
chap. 101.

Province  
Laws, v., 1191,  
chap. 44.  
*Ante*, p. 581,  
chap. 121.

WHEREAS by a Resolve of this Court, dated the 23d of June last, the Selectmen of several towns in this State are called upon to procure horses for the service of their country, and are promised payment for the same, and for their time and expence therein, by having the sum total of their accounts deducted from a future State-tax, or by receiving of notes therefor, as they may chuse: Therefore

*Resolved*, That the sum total of the accounts of such Selectmen as shall not choose to receive notes, shall be deducted from their town's proportion of the first State-tax that shall be issued after the 1st day of December next.

And whereas by an Act of the General Court passed the 3d day of May last, to supply the Treasury with the sum of Ten Hundred Thousand Pounds (Five Hundred Thousand Pounds thereof to be applied for any exigencies of this State) [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer is directed to issue his notes for the payment thereof. And whereas it appears to this Court that notes have been issued but for a small part of said sum: Therefore

*Resolved*, That the Treasurer be, and he is hereby directed, to issue notes agreeable to said Act in favour of such Selectmen as shall chuse to receive the same for payment of said horses; and said notes shall bear date from the time the Selectmen delivered the horses to the Agents of their respective counties. [*Passed September 30.*]

## CHAPTER 244.

RESOLVE APPOINTING AMOS DAVIS AND OTHERS TO RUN OUT THE NEW GLOUCESTER LINE AND THE LINES OF BAKER'S TOWN, SO THAT IT CONTAINS 7½ MILES SQUARE EXCLUSIVE OF 8,600 ACRES OF PONDS, ALLOWING 1 ROD IN 30 FOR SWAG OF CHAIN, AND TO REPORT AS SOON AS MAY BE, AT THE CHARGE OF THE PETITIONERS.

Legislative  
Records of the  
Council,  
xl., 591.  
Mass.  
Archives,  
ccxxix., 311.  
Mass.  
Resolves,  
Sept. Session,  
chap. 100.

Mass.  
Archives,  
ccxxix., 310-  
313. Province  
Laws, xviii.,  
47, chap. 91.

ON THE PETITION of Col. Jonathan Bagley and Col. Moses Little, Agents for the Proprietors of a township called Baker's Town, in the county of Cumberland:

*Resolved*, That the prayer of said petition be so far granted, that Mr. Amos Davis be, and he is hereby appointed a surveyor, and that he the said Amos appoint two suitable persons for chainmen, all to be upon oath, to run out the length of New-Glooucester line, which is seven miles and an half northwest from the head line of North-Yarmouth, and there to erect a monument, and from thence run out the line of said Baker's Town, being seven miles northwest from New-Glooucester to the head line of said Baker's Town, adjoining the State's land, as appears by the General Court records of said township; thence to Ambrosoggin river, so as that said Baker's Town may contain the contents of a tract of land seven and an half miles square, and no more (allowing one rod in thirty for swag of chain) exclusive of Eight Thousand and six Hundred acres allowed for ponds therein contained, and to mark the trees in the lines aforesaid, that the bounds of said Baker's Town may be ascertained, and the petitioners notify one or more of the

<sup>1</sup> *Ante*, p. 337, chap. 734.



Selectmen of New-Gloucester, of the time of running said lines, that they, said Selectmen may be present if they see fit, and to make returns to the General Assembly of the doings of the said surveyor and chainmen as soon as may be, and the charge and expence of doing the aforesaid service to be paid by the petitioners and their associates.<sup>1</sup> [*Passed October 2.*<sup>2</sup>

## CHAPTER 245.

RESOLVES EXTENDING THE SERVICE OF THE COMMITTEE TO SUPERINTEND PURCHASES UNTIL THE 15<sup>TH</sup> OF DECEMBER NEXT AND ALLOWING EACH OF THEM FOR THEIR PAST SERVICES 18s. PER DAY, NEW CURRENCY, AND THEIR EXPENSES.

WHEREAS by a resolve of the General Court, dated June 19 last, Samuel Osgood, Oliver Phelps, and Elijah Hunt, Esquires were appointed a Committee to reside at Springfield, until the last day of the present session of the General Court, to superintend the purchasing of beef, forage, &c. for the army; and it being absolutely necessary that said Committee should be empowered to continue longer to transact the important business for which they were appointed: Therefore

*Resolved*, That the said Committee be, and are hereby authorized and directed, to continue to execute the commission contained in the Resolves of the General Court which respect their appointment, until the 15th day of December next, any Resolve to the contrary notwithstanding. And it is further

*Resolved*, That there be allowed to each of the members of said Committee, for their past services, eighteen Shillings per day, in the new currency, for each day they have been employed in said service, and also their necessary expences paid. [*Passed October 2.*

Legislative  
Records of the  
Council,  
xl., 593.  
Mass.  
Archives,  
ccxxix., 321.  
Mass.  
Resolves,  
Sept. Session,  
chap. 109.  
*Ante*, p. 559,  
chap. 82.

## CHAPTER 246.

RESOLVE ACCOMMODATING WILLIAM BAKER, MESSENGER OF THE HOUSE, WITH PART OF THE HOUSE OF WILLIAM JACKSON, ABSENTEE, AND THAT A DOOR BE MADE AND A PARTITION PUT UP TO SEPARATE THE TWO SHOPS FROM THE REST OF THE BUILDING.

ON THE PETITION of William Baker:

*Resolved*, That William Baker, Messenger of the House, be accommodated with the back lower room and two small chambers in the house of William Jackson, an absentee, until the further order of the General Court, and that a door be made and a partition put up, to separate the two shops in said house, from the other parts of the building. [*Passed October 2.*

Legislative  
Records of the  
Council,  
xl., 593.  
Mass.  
Archives,  
ccxxix., 322.  
Mass.  
Resolves,  
Sept. Session,  
chap. 105.  
Mass.  
Archives,  
ccxxix., 323.

<sup>1</sup> See Massachusetts Archives, Maps and Plans, 3d series, vol. 21, p. 24.

<sup>2</sup> This date is September 30 according to Legislative Records of the Council and Massachusetts Resolves.



## CHAPTER 247.

Legislative  
Records of the  
Council,  
xl., 594.  
Mass.  
Archives,  
ccxxix., 324.  
Mass.  
Resolves,  
Sept. Session,  
chap. 107.

RESOLVE ALLOWING THE REPRESENTATIVES 10s. PER DAY AND THE COUNCILLORS 12s. PER DAY, NEW EMISSION, FOR EACH DAY THEY ATTEND THE PRESENT SESSION.

*Resolved*, That the members of the House of Representatives be allowed ten Shillings per day, and the members of the Honourable Council twelve Shillings per day, of the new emission, for each day they attend the present session. [*Passed October 2.*]

## CHAPTER 248.

RESOLVE EMPOWERING COL. CLAP, ISSUING COMMISSARY, AND THE COMMISSIONED OFFICERS OF THE GUARD AT RUTLAND TO ENQUIRE INTO ALL SUSPECTS LURKING ABOUT THE BARRACKS OR THE TOWN OF RUTLAND AND CONFINE THE SAME UNTIL INFORMATION CAN BE GIVEN TO SOME CIVIL MAGISTRATE THAT THEY MAY BE EXAMINED AND PROCEEDED WITH AS THE LAW DIRECTS.

Legislative  
Records of the  
Council,  
xl., 594.  
Mass.  
Archives,  
ccxxix., 325.  
Mass.  
Resolves,  
Sept. Session,  
chap. 114.

WHEREAS it is represented to this Court, that there are strangers frequently seen at and about the barracks in Rutland, where the prisoners of war are confined, whose business is unknown:

*Resolved*, That Col. [Daniel]<sup>1</sup> Clap, the Issuing Commissary, and the several Commissioned Officers of the guard stationed at Rutland, be, and they are hereby empowered, to enquire into the character and business of any persons that may appear lurking about said barracks, or in said town of Rutland; and if they have reason to suspect such persons have any ill design, said Col. Clap and the officers of said guard are empowered to confine them until information can be given to some civil magistrate, to the intent such suspected persons may be examined and proceeded with as the law directs. [*Passed October 2.*]

## CHAPTER 249.

RESOLVE PERMITTING MARY SMART, HER MOTHER AND CHILD, TO GO TO NEW YORK TO HER HUSBAND, OR TO HALIFAX, IN THE FIRST CARTEL.

Legislative  
Records of the  
Council,  
xl., 594.  
Mass.  
Archives,  
ccxxix., 326.  
Mass.  
Resolves,  
Sept. Session,  
chap. 106.

ON THE PETITION of Mary Smart, praying for liberty for herself, mother and child to go to New-York to her husband, for reasons set forth in said petition:

*Resolved*, That the prayer of the petition be granted, and that the petitioner, with her mother and her child, have liberty to go to New-York or Halifax, in the first cartel, neither of them to return to this State again without leave first obtained from the General Court for that purpose. [*Passed October 2.*]

Mass.  
Archives,  
ccxxix., 327.

<sup>1</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, iii., 479.



## CHAPTER 250.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER THE SELECTMEN OF GORHAM FIFTY FIREARMS, WITH BAYONETS, FOR THE INHABITANTS, ON PAYMENT OF 24s., NEW MONEY, FOR EACH OF SAID FIREARMS.

ON THE PETITION of the Selectmen of Gorham:

*Resolved*, That the Board of War be, and they are hereby directed, to deliver to the Selectmen of the town of Gorham, or their order, 50 fire-arms, with bayonets, for the inhabitants of said town, on their paying said Board of War twenty-four Shillings, in the new money, for each of them, for reasons set forth in said petition. [*Passed October 2.*]

Legislative  
Records of the  
Council,  
xl., 594.  
Mass.  
Archives,  
ccxxix., 328.  
Mass.  
Resolves,  
Sept. Session,  
chap. 113.  
Mass.  
Archives,  
ccxxix., 329.

## CHAPTER 251.

RESOLVE DIRECTING THE COMMITTEE FOR SETTLING WITH THE ARMY TO SETTLE WITH RICHARD HUNNEWELL, AND THREE OTHERS, FOR THE DEPRECIATION OF THEIR WAGES.

ON THE PETITION of Richard Hunnewell, for himself and three others,<sup>1</sup> praying they may be allowed the depreciation of their wages, for reasons set forth in said petition:

*Resolved*, That the Committee for settling with the Army be, and they hereby are directed, to settle with the said Richard Hunnewell, and three others mentioned in said petition, for the depreciation of their wages, taking into consideration all extra pay they have received, and certify the same to the honorable Council. [*Passed October 2.*]

Legislative  
Records of the  
Council,  
xl., 595.  
Mass.  
Archives,  
ccxxix., 347.  
Mass.  
Resolves,  
Sept. Session,  
chap. 115.  
Mass.  
Archives,  
ccxxix., 348-  
351.

## CHAPTER 252.

RESOLVE DIRECTING THE COMMITTEE FOR SETTLING WITH THE ARMY TO MAKE UP THE DEPRECIATION OF THOMAS MELVILL AND OTHERS, OFFICERS IN COL. THOMAS CRAFTS'S REGIMENT, TO THE 26TH OF FEBRUARY, 1779.

ON THE PETITION of Thomas Melvill and others,<sup>2</sup> officers in Col. Thomas Crafts's regiment, praying that the depreciation of their wages may be paid them, the same as officers of like rank in the Continental Army:

*Resolved*, That the Committee for settling with the Army be, and hereby are directed, to settle their accounts and make up their depreciation to the 26th day of February, 1779, any Resolve to the contrary notwithstanding. [*Passed October 2.*]

Legislative  
Records of the  
Council,  
xl., 595.  
Mass.  
Archives,  
ccxxix., 330.  
Mass.  
Resolves,  
Sept. Session,  
chap. 110.  
Mass.  
Archives,  
ccxxviii., 439-  
441; ccxxix.,  
331.

<sup>1</sup> John Hendley, Jonathan Hunnewell, George Hunnewell.

<sup>2</sup> Benjamin White, David Bradlee, Benjamin Scollay, John Marston, John Bussey, Jonathan W. Edes, John Gill, Turner Phillips, Winthrop Gray, William Todd, Capt.



## CHAPTER 253.

RESOLVE DIRECTING THE COMMITTEE FOR SETTLING WITH THE ARMY TO MAKE UP THE DEPRECIATION OF THE £150 GRANTED COL. BURBECK, ENGINEER TO THE STATE, AS A SALARY.

Legislative  
Records of the  
Council,  
xl., 595.  
Mass.  
Archives,  
ccxxix., 332.  
Mass.  
Resolves,  
Sept. Session,  
chap. 112.

Mass.  
Archives,  
ccxxix., 333.

ON THE PETITION of William Burbeck, Engineer to the State, from April 26, 1775 at a salary of One Hundred and fifty Pounds per year during the War, asking that the Committee to settle with the Army allow him depreciation:

*Resolved*, That the Committee appointed to settle the depreciation with the officers of the Army be, and they are hereby directed, to make up the depreciation of the sum of One Hundred and fifty Pounds, granted as a salary to Col. Burbeck, and certify the same to the Honorable Council. [*Passed October 2.*]

## CHAPTER 254.

RESOLVE MAKING AN ESTABLISHMENT FOR THE COMMITTEES ON ACCOUNTS, MUSTER ROLLS, SETTLING WITH THE ARMY, AND METHODIZING ACCOUNTS, OVER AND ABOVE THEIR PAY AS MEMBERS OF THE HOUSE, AND ALLOWING REV. SAMUEL COOPER, CHAPLAIN, £5, HON. JOHN HANCOCK, ESQ., SPEAKER, 6s. PER DAY OVER HIS PAY AS A MEMBER, SAMUEL FREEMAN, ESQ., CLERK OF THE HOUSE, £120, AND JOHN AVERY, ESQ., DEPUTY SECRETARY, £130, NEW ISSUE.

Legislative  
Records of the  
Council,  
xl., 596.  
Mass.  
Archives,  
ccxxix., 345.  
Mass.  
Resolves,  
Sept. Session,  
chap. 108.

In the House of Representatives

The Committee appointed to consider what allowances shall be made the Committee on accounts and the other Committees and other Servants of Government, have attended that service and beg leave to report the following Resolve:

*Resolved*, That there be allowed and paid to each of the members of the Committee on accounts, two Shillings and six Pence per day, and to each of the members on the Committee for making up muster-rolls, and the Committee for settling with the army, two Shillings per day, and to Mr. John Deming, Mr. Peter Boyer, and Stephen Gorham, the Committee for methodizing the public accounts, two Shillings per day, for as many days as the members of said Committees have been or shall be in service, from the last Wednesday in May last to the last Wednesday in October next, over and above their pay as members of the House; also that there be allowed and paid to the Rev. Dr. Samuel Cooper, five Pounds, in full for his services as Chaplain to the Court, to the end of the present session; also that there be allowed and paid to the Hon. John Hancock, Esq., as Speaker, six Shillings per day, over and above his pay as a member of the House of Representatives; also to Samuel Freeman, Esq., Clerk of the House of Representatives, One Hundred and twenty Pounds, in full for his services as Clerk of said House, from the last Wednesday in May last to the end of the present session; also that there be allowed and paid to John Avery, Esq., Deputy-Secretary, One Hundred and thirty Pounds, in full for his services as Deputy-Secretary, from the 1st day of July last (to which time he was paid) to the end of the present sessions. All the foregoing sums to be considered in the new emission.

Read and Accepted

In Council

Read and Concurred. [*Passed October 2.*]



## CHAPTER 255.

RESOLVE ON THE REPRESENTATION OF MONSIEUR DE BAULNY, TREASURER-GENERAL OF THE ARMY OF HIS MOST CHRISTIAN MAJESTY AT NEWPORT.

ON THE REPRESENTATION of Monsieur de Baulny, Treasurer-General of the Army of his most christian Majesty at Newport:

*Resolved*, That the General Court of this State have a due sense of the regard expressed for the United States in the said representation, and of the readiness manifested by the administration of the said army, to give all possible credit to the Continental currency, and also to give every preference to the said States in the proposed negociation of bills of exchange for the said currency; but that the state of our public Treasury will not at present admit of the proposed negociation. [*Passed October 2.*]

Legislative  
Records of the  
Council,  
xl., 595.  
Mass.  
Archives,  
ccxxix., 336.  
Mass.  
Resolves,  
Sept. Session,  
chap. 111.  
Mass.  
Archives,  
ccxxix., 334-  
336.

[The body of the Representation follows:]

That the Administration of the French Army at Newport having taken into Consideration the Representations that have been made to them, respecting the payments in Silver with which their undertakers of Supplies have been furnished & being willing to have regard to the proposals that have been made for the advantage of their good Allies & to give all possible Credit to the Continental Currency which might suffer if the French Army did not make use of it hath determined,

That they are disposed to make their Payments to the undertakers of Supplies & others in Continental Money. But for the procuring the Continental Money they have only Bills of Exchange from the Treasurer General of the French Army upon the Treasurer General at War in Paris at thirty days sight,

The French Administration of the Army tho't it their duty in this Exchange to give every preference to the American Governments & in consequence have Ordered their Treasurer General to Boston, & charged him to confer upon the Business with the Hon<sup>ble</sup> James Bowdoin, Esq<sup>r</sup>, President of the Council, & to take his Opinion & to begin this Business with him, by a Sum of Forty Thousand french Livres or more if the Rate of the Exchange can be made Convenient to the Government & not too Burthensome to the King.

Massachusetts Archives, ccxxix., 334-336.

## CHAPTER 256.

RESOLVE GRANTING £35, NEW CURRENCY, TO JOHN LANGDON OF POWNALBOROUGH FOR HIS EXPENSES AND OTHER CHARGES IN ATTENDING THE GENERAL COURT.

ON THE PETITION of John Langdon of [Pownalborough],<sup>1</sup> praying that he may be allowed the expence he has incurred by attending the General Court agreeable to their Order of the 23d June last.

*Resolved*, That there be allowed and paid out of the Treasury of this State, to the said John Langdon, the sum of thirty-five Pounds, in the new currency, in full for his expences and all other charges in attending the General Court, agreeable to their Order aforesaid. [*Passed October 2.*]

<sup>1</sup> Massachusetts Archives, ccxxix., 342.

<sup>2</sup> This date is same in Legislative Records of the Council, but is October 3 according to Massachusetts Resolves.

Legislative  
Records of the  
Council,  
xl., 595.  
Mass.  
Archives,  
ccxxix., 337.  
Mass.  
Resolves,  
Sept. Session,  
chap. 117.  
Mass.  
Archives,  
ccxxix., 338-  
344.  
*Ante*, p. 579,  
chap. 114.



## CHAPTER 257.

RESOLVE GRANTING £6. 14s. 8d., NEW MONEY, TO EPHRAIM CURTIS, KEEPER OF WORCESTER GAOL, FOR KEEPING AND SUPPORTING TWENTY-TWO PRISONERS OF WAR IN AUGUST, 1775.

Legislative  
Records of the  
Council,  
xl., 596.  
Mass.  
Resolves,  
Sept. Session,  
chap. 118.

ON THE PETITION of William Young, Chairman of the Committee of Correspondence for the town of Worcester, setting forth that in August 1775, twenty-two prisoners of war were sent to his care, by order of his Excellency Gen. Washington, that they were to be conveyed to Springfield, under guard; and that he was obliged to confine said prisoners in the gaol in Worcester, until a guard should be raised for that purpose, and praying an allowance may be made to Ephraim Curtis, keeper of said gaol for keeping and supporting said prisoners while there confined:

*Resolved*, That the prayer of said petition be granted, and that there be paid out of the public Treasury of this State, the sum of six Pounds, fourteen shillings and eight Pence in the new money, to the said Ephraim Curtis in full of his account. [*Passed October 3.*]

## CHAPTER 258.

RESOLVE DIRECTING SAMUEL FREEMAN, ESQ., TO SELL THE STATE'S HORSE IN HIS HANDS FOR THE MOST HE WILL FETCH AT PUBLIC SALE AND ACCOUNT WITH THE TREASURER FOR THE NET PROCEEDS.

Legislative  
Records of the  
Council,  
xl., 596.  
Mass.  
Archives,  
ccxix., 352.  
Mass.  
Resolves,  
Sept. Session,  
chap. 119.

ON THE REPRESENTATION of Samuel Freeman, praying for the direction of this Court, as to a horse in his hands belonging to the State:

*Resolved*, That Samuel Freeman, Esq., be, and he is hereby directed to sell the horse mentioned in his memorial, for the most he will fetch, at public sale, giving timely notice thereof before the sale, any law or resolve to the contrary notwithstanding; and account with [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of the State for the net proceeds of the same. [*Passed October 3.*]

Mass.  
Archives,  
ccxix., 353-356.

## CHAPTER 259.

RESOLVE GRANTING £120, NEW EMISSION, TO JOSEPH HENDERSON, ESQ., LATE COMMISSARY OF PRISONERS, IN FULL FOR SERVICES DONE BY HIM AND HIS ASSISTANT FROM JANUARY 8, 1779, TO APRIL 20, 1780, WHEN HE WAS DISCHARGED.

Legislative  
Records of the  
Council,  
xl., 597.  
Mass.  
Resolves,  
Sept. Session,  
chap. 124.

ON THE MEMORIAL of Joseph Henderson, Esq., [late Commissary of Prisoners]:<sup>2</sup>

*Resolved*, That there be allowed and paid out of the public Treasury of this State, One Hundred and twenty Pounds, in the new emitted bills of credit, unto the said Joseph Henderson, Esq., in full for services done by him and his Assistant, from the 8th day of January, 1779, until the 20th day of April, 1780, at which time he was discharged from his office. [*Passed October 3.*]

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> Massachusetts Soldiers and Sailors of the Revolutionary War, vii., 720.



## CHAPTER 260.

RESOLVE PERMITTING SETH BARNES TO SELL FISH FROM NOVA SCOTIA, INVEST THE NET PROCEEDS IN ANY ARTICLES, EXCEPTING FLOUR, GRAIN AND MEAT OF ALL KINDS, AND CARRY THE SAME IN HIS VESSEL FROM SALEM TO NOVA SCOTIA.

THE COMMITTEE of both Houses on the petition of Seth Barnes have heard the petitioner on the subject matter of his petition, and report as their opinion that the prayer of the petition be so far granted as that the petitioner have leave to sell his fish and lay out the proceeds in purchasing any American produce, corn, grain and meat of all kinds, excepted, and that the petitioner have a protection from all American armed vessels in his return to Nova-Scotia all which is submitted

AARON WOOD per Order

In Council

Read and Accepted and thereupon

*Resolved*, That Seth Barnes be, and hereby is permitted, to make sale of the fish imported into this State from Nova-Scotia, and invest the neat proceeds in any articles, excepting flour, grain and meat of all kinds, which he hath liberty to transport from Salem to Nova-Scotia; and [Mr. Warwick Palfrey]<sup>1</sup> the Naval-Officer for the port of Salem is hereby directed to grant the necessary papers for the clearance of his vessel and effects; and all Commanders of armed vessels and others belonging to this State are directed, and all Commanders of armed vessels and others belonging to any of the United States are requested, to permit the said vessel and effects to pass unmolested to Nova-Scotia aforesaid. This permit not to be in force longer than forty days from the date hereof.

In the House of Representatives

Read and Concurred. [*Passed October 3.*]

[The body of the petition follows:]

Seth Barnes humbly sheweth That he is an inhabitant of Yarmouth in the Province of Nova-Scotia: That the same Town as being the most westerly one in the Province & distinguished for being a Place of Safety & Hospitality for those American Seamen who have the misfortune to be drove ashore on the Coast or have been made Prisoners, has been generally resorted to by the Americans as a Place of Refuge where they are provided for & very frequently sent up in Vessels belonging to that Place; That your Petitioner has made no less than four Voyages upon this friendly Business, & by that Means has restored Numbers to their Family & Country; That he arrived two Days ago in Salem with four Seamen belonging to Salem who had been drove ashore in an American Privateer, & that he brought up a few Quintals of Fish which he is desirous of selling or exchanging for some Articles of either West India or New England Produce as your Honors shall think proper. Your Petitioner therefore prays that he may have a Protection for his safe Return & Permission to make Sale of his Fish & purchase in this State as many Articles as the Money arising from his Sale will amount to.

SETH BARNES.  
Massachusetts Archives, cccxix., 362.

## CHAPTER 261.

RESOLVE GRANTING £497. 10s., NEW MONEY, TO REV. DR. SAMUEL LANGDON IN CONSIDERATION OF THE FAITHFUL DISCHARGE OF HIS DUTIES AS PRESIDENT OF HARVARD COLLEGE AND TO ENABLE HIM TO REMOVE HIS FAMILY AND EFFECTS.

UPON THE MEMORIAL of the Committee of the Overseers of Harvard College, setting forth that the Rev. Dr. Langdon has resigned the President's chair in said College, that his faithful

Legislative  
Records of the  
Council,  
xl., 597.  
Mass.  
Archives,  
cccix., 359,  
360. Mass.  
Resolves,  
Sept. Session,  
chap. 121.

Mass.  
Archives,  
cccix., 359-  
362.

Legislative  
Records of the  
Council,  
xl., 597.  
Mass.

<sup>1</sup> *Ante*, p. 337, chap. 732.



Archives,  
ccxxix., 363.  
Mass.  
Resolves,  
Sept. Session,  
chap. 116.

Mass.  
Archives,  
ccxxix., 363-  
367.

attention to the duties of that office, the inadequate reward he has heretofor received, and his domestic circumstances, merit the attention of this Court; and praying, that compensation may be made the said Dr. Langdon, for the foregoing reasons, and others set forth in their memorial: Therefore

*Resolved*, That there be allowed and paid out of the public Treasury of this State to the Rev. Dr. Samuel Langdon, the sum of Four Hundred and ninety-seven Pounds, ten Shillings, in the new money, for and in consideration of his faithful discharge of the duties of the office of President of Harvard College, and to enable him to remove his family and effects. [*Passed October 3.*]

## CHAPTER 262.

RESOLVES DIRECTING THE BOARD OF WAR TO SUPPLY THE CAPTAINS OF THE ARMED VESSELS IN THE SERVICE OF THIS STATE WITH SUCH CLOTHING AS IS NECESSARY FOR THE COMFORT OF THE SEAMEN BOUND ON A CRUISE IN ANY OF SAID VESSELS, THE COST OF WHICH IS TO BE STOPPED OUT OF THE WAGES OF ANY SEAMEN WHO MAY RECEIVE SAME, THE CAPTAIN TO BE ACCOUNTABLE TO SAID BOARD OF WAR WHO IN ESTIMATING PRICES ARE TO TAKE INTO CONSIDERATION THE VALUE OF THE SEAMEN'S WAGES AND THE PROPORTION THEY BEAR TO THE ORIGINAL ALLOWANCE.

Legislative  
Records of the  
Council,  
xl., 597.  
Mass.  
Archives,  
ccxxix., 369.  
Mass.  
Resolves,  
Sept. Session,  
chap. 120.

WHEREAS it is necessary for the comfort and accommodation of the seamen in the service of this State, that some measures should be taken to supply the seamen aforesaid, with some articles of cloathing when at sea: Therefore

*Resolved*, That the Board of War be impowered and directed, and they are hereby accordingly directed to supply the Captains of the armed vessels in the service of this State, with such articles of cloathing, as to them may appear necessary for the comfort of the seamen bound on a cruize, in any of the armed vessels aforesaid, the cost of which cloathing the Captain is hereby directed to stop out of the wages of any seamen who may receive any of the cloathing aforesaid; and the Captain of any ship who may receive cloathing for the use of his men, in consequence of this Resolve, is hereby directed to account with, and make payment to, the Board of War, for the cloathing aforesaid, upon the passing and paying the pay-roll of the ship he commands. And it is further

*Resolved*, That the Board of War, in estimating the prices of the articles supplied, as aforesaid, shall take into consideration the value of the seamen's wages, and the proportion they bear to their original allowance, and charge the cloathing accordingly. [*Passed October 3.*]

## CHAPTER 263.

RESOLVES GRANTING £12 PER MONTH, NEW CURRENCY, FOR THE YEAR ENDING OCT. 5, 1780, TO GEN. HANCOCK AS COMMANDER IN CHIEF OF THE CASTLE, AND £500, NEW CURRENCY, FOR THE USE OF THE TROOPS NOW DOING DUTY THERE.

Legislative  
Records of the  
Council,  
xl., 598.  
Mass.  
Archives,  
ccxxix., 370.  
Mass.

*Resolved*, That the grant for the Commander in Chief of the Castle for the year past, ending the 5th of October, 1780, be twelve Pounds per month, in new currency, amounting to One Hundred and forty-four Pounds; and the honorable the major part of the Council are hereby requested to issue their warrant



on [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer for payment of the same And it is further

*Resolved*, That there be allowed and paid out of the public Treasury of this State, to the Hon. Maj. Gen. [John]<sup>2</sup> Hancock, for the use of the troops now doing duty under his command at the Castle, the sum of Five Hundred Pounds, new currency, in part of their wages now due, he to be accountable for the same. [*Passed October 3.*]

Resolves,  
Sept. Session,  
chap. 123.

## CHAPTER 264.

RESOLVE DIRECTING THE TREASURER TO RECEIVE NO MONEYS OF ANY PERSONS WHO HAVE BEEN ENTRUSTED WITH THE PROPERTY OF THE PUBLIC OTHERWISE THAN AGREEABLE TO THE SCALE CONTAINED IN THE ACT OF DEPRECIATION.

Legislative  
Records of the  
Council,  
xl., 598.  
Mass.  
Archives,  
ccxxix., 372.  
Mass.  
Resolves,  
Sept. Session,  
chap. 122.

*Resolved*, That [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of this State be, and hereby is directed, to receive no monies of any person or persons who may have been entrusted with the property of the public, otherwise than agreeable to the scale contained in the Act of depreciation, passed the present sessions of the General Court. [*Passed October 3.*]

Province  
Laws, v., 1412,  
chap. 12.

## CHAPTER 265.

RESOLVE EXEMPTING JOHN SERGEANT, MISSIONARY TO THE INDIANS AT STOCKBRIDGE, FROM ALL POLL TAXES AND MILITARY DUTY DURING HIS CONTINUANCE IN SAID OFFICE.

Legislative  
Records of the  
Council,  
xl., 597.  
Mass.  
Archives,  
ccxxix., 358.  
Mass.  
Resolves,  
Sept. Session,  
chap. 132.

ON THE PETITION of John Sergeant, Missionary to the Indians at Stockbridge, praying that he may be exempted from taxes and military duty:

*Resolved*, That the prayer of the said petition be so far granted, that the said John be, and he hereby is exempted from all poll-taxes, and from all military duty, during his continuance in the office of Missionary to the said Indians. [*Passed October 3.*]<sup>3</sup>

Mass.  
Archives,  
ccxxix., 357.

## CHAPTER 266.

RESOLVES GRANTING £1,000, NEW EMISSION, EACH TO CAPT. GEORGE WILLIAMS OF THE SHIP BLACK PRINCE AND CAPT. JONATHAN PEEL OF THE SHIP HECTOR, FOR THEMSELVES AND THE OWNERS OF SAID SHIPS, IN PART FOR SAME LOST ON THE PENOBSCOT EXPEDITION, AND DIRECTING THE BOARD OF WAR TO SETTLE WITH SAID WILLIAMS AND PEEL AND ALL OTHERS, CREDITORS OF THIS STATE FOR SHIPS LOST IN SAID EXPEDITION, THE BALANCES DUE IN ANTEDATED NOTES ISSUED UNDER AN ACT PASSED MAY 3d LAST.

*Resolved*, That there be paid out of the Treasury of this State to Capt. George Williams, for himself and the rest of the owners of the ship Black Prince, One Thousand Pounds in the bills of the new emission. Also, that there be paid to Capt. Jonathan Peel for himself and the owners of the ship Hector, One Thousand Pounds in bills of the new emission, in part of what is due to them

Legislative  
Records of the  
Council,  
xl., 591.  
Mass.  
Archives,  
clxxxvi., 295.  
Mass.  
Resolves,  
Sept. Session,  
chap. 102.

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> *Ante*, p. 205, chap. 429.

<sup>3</sup> This date is same in Legislative Records of the Council, but is October 4 according to Massachusetts Resolves.



Mass.  
Archives,  
ccxxxv., 99.  
Legislative  
Records of the  
Council,  
xl., 556.  
Province  
Laws, v., 1191,  
chap. 44.

from this State for the aforesaid ships, which were lost on the Penobscot expedition; and the Council are accordingly requested to grant warrants on [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer for the same. And it is further

*Resolved*, That the Board of War be, and they are hereby directed, to settle with the said George Williams and Jonathan Peel, and all others who are creditors of this State for ships which were lost on the Penobscot expedition, and the several ballances which may be due on such settlement, to pay the same in such notes as the Treasurer by an Act of the General Court passed the 3d May last was then directed to issue for the discharge of the demands of the creditors of this State on account of the Penobscot expedition. And it is further

*Resolved*, That the notes which may be given to the creditors aforesaid, shall be dated at the time the contracts for such vessels were signed, any Act or Resolve of the General Court to the contrary notwithstanding.

In the House of Representatives

Read and Accepted

In Council

Read and Concurred. [*Passed October 4.*]<sup>2</sup>

## CHAPTER 267.

RESOLVE DIRECTING AMOS SINGLETARY, ESQ., TO DELIVER TO THE TREASURER HIS NOTE FOR £100, BEING THE SUM WHICH GEORGE DODGE OF SALEM REFUSED FOR PAYMENT OF 2 FOUR-POUND CANNON OF HIS, WHICH THE TOWN OF SUTTON SENT FOR THE USE OF THE ARMY IN 1775, THE TREASURER TO CREDIT THE STATE WITH THAT SUM.

Legislative  
Records of the  
Council,  
xl., 600.  
Mass.  
Archives,  
ccxxix., 373.  
Mass.  
Resolves,  
Sept. Session,  
chap. 139.

Mass.  
Archives,  
ccxxix., 377.

WHEREAS the town of Sutton, in the year 1775, sent two 4-pound cannon, with their carriages, for the use of the army, which cannon the Selectmen of Sutton borrowed of one George Dodge, of Salem, during the war; and whereas upon application made to the General Court, an order passed to pay for said cannon out of the State Treasury, and Amos Singletary, Esq., drew said money from the Treasury in order to pay said George Dodge for said two cannon, but he utterly refused to take the money; whereupon the said Singletary returned the money to Henry Gardner, Esq., and took his note for the same, so by that means the matter remains unsettled: Therefore

*Resolved*, That the said Amos Singletary, Esq., deliver to [Henry Gardner, Esq.,]<sup>1</sup> the said Treasurer his note for said money, and take his receipt for the same, and that the Treasurer give credit to the State for the same sum, and that said receipt be lodged in the Secretary's-office, and said Singletary be discharged for the same, being One Hundred Pounds. [*Passed October 4.*]

<sup>1</sup> *Ante*, p. 337, chap. 734.

<sup>2</sup> This date is September 30 according to Legislative Records of the Council and Massachusetts Resolves.



## CHAPTER 268.

RESOLVE GRANTING £5. 14s., NEW MONEY, TO JONATHAN RICE AND JOSHUA WHITNEY FOR APPREHENDING THOMAS GLEASON, A DESERTER FROM THE CONTINENTAL ARMY, AND CONVEYING HIM TO THE BOARD OF WAR.

ON THE PETITION of Jonathan Rice and Joshua Whitney:

*Resolved*, That there be paid out of the public Treasury of this State, the sum of five Pounds fourteen Shillings, in new money, in full of their account for apprehending Thomas Gleason, a deserter from the Continental Army, and conveying him to the Board of War of this State. [*Passed October 4.*]

Legislative  
Records of the  
Council,  
xl., 600.  
Mass.  
Resolves,  
Sept. Session,  
chap. 134.

## CHAPTER 269.

RESOLVES MAKING AN ESTABLISHMENT FOR THE GUARDS AT RUTLAND FROM OCTOBER 3 TO OCTOBER 20, 1779, THE SAME TO BE CHARGED TO THE UNITED STATES.

ON THE PETITION of John Fessendon, in behalf of Capt. Phineas Walker, and the men that did duty as Guards at Rutland from October 3d to October 20th, 1779, praying for an allowance for said service:

*Resolved*, That the wages of the officers and men above-named be as followeth, viz. Captain twelve Pounds per calendar month; Sergeant two Pounds eight Shillings per month; Corporal two Pounds four Shillings per month; a private two Pounds per month. And it is further

*Resolved*, That the pay-roll be made up accordingly, paid, and charged to the United States. [*Passed October 4.*]

Legislative  
Records of the  
Council,  
xl., 600.  
Mass.  
Archives,  
ccxix., 374.  
Mass.  
Resolves,  
Sept. Session,  
chap. 138.  
Mass.  
Archives,  
ccxix., 375.

## CHAPTER 270.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER ONE FIRE-ARM AND BAYONET FOR THE USE OF JOSEPH PATTERSON IN LIEU OF ONE LOST AT PENOBSCOT.

*Resolved*, That the Board of War be, and hereby are directed, to deliver to Samuel Freeman, or order, one fire-arm and bayonet, for the use of Joseph Patterson, in lieu of one he lost in an action at Penobscot. [*Passed October 4.*]

Legislative  
Records of the  
Council,  
xl., 600.  
Mass.  
Archives,  
ccxix., 376.  
Mass.  
Resolves,  
Sept. Session,  
chap. 136.

## CHAPTER 271.

RESOLVE GRANTING £5, NEW MONEY, TO DAVID THOMPSON, JR., IN ADDITION TO HIS PENSION FOR THE YEAR ENDING JANUARY 25, 1780.

ON THE PETITION of David Thompson, jun., [of Stoughton, who lost one of his arms at Lake George in the last war]<sup>1</sup> praying for an addition to his pension for the year past for reasons set forth in his petition:

*Resolved*, That there be paid out of the public Treasury of this

Legislative  
Records of the  
Council,  
xl., 600.  
Mass.  
Archives,  
ccxix., 378.  
Mass.  
Resolves,  
Sept. Session,  
chap. 140.  
Mass.  
Archives,  
ccxix., 379.

<sup>1</sup> Massachusetts Archives, ccxix., 379.



Province  
Laws, xvi.,  
144, chap. 331.

State, to David Thompson, jun. the sum of five Pounds, in new money, in addition to his pension for the year 1779, ending the 25th day of January, 1780. [*Passed October 4.*]

## CHAPTER 272.

RESOLVE EMPOWERING THE SELECTMEN OF SHREWSBURY TO MAKE USE OF THE WHOLE OR ANY PART OF THE RESIDUE OF THE ESTATE OF CAPT. CALEB JOHNSON, DECEASED, FOR THE SUPPORT OF HIS WIDOW ELIZABETH JOHNSON, WHO IS SO FAR ADVANCED IN LIFE AS TO BE UNABLE TO SUPPORT HERSELF WITH SO SMALL AN INCOME AS THE INTEREST OF ABOUT £100.

Legislative  
Records of the  
Council,  
xl., 601.  
Mass.  
Archives,  
ccxxix., 380.  
Mass.  
Resolves,  
Sept. Session,  
chap. 133.  
Mass.  
Archives,  
ccxxix., 381.

ON THE JOINT PETITION of the Selectmen of Shrewsbury, and Elizabeth Johnson, of said town, widow, stating that her husband Capt. Caleb Johnson died possessed of considerable estate, and he devised the improvement of same to her for life. After suits with his heirs the remainder was lodged in the Judge's hands for support. But as she was so far advanced in life as to be unable to support herself with the interest of about £100, she hath been supported by said Selectmen for about 18 months and praying that the remainder may be improved as far as it will go for her support:

*Resolved*, That the prayer of the petition be granted, and that the Selectmen of Shrewsbury, in their said capacity, be, and they hereby are empowered, to make use of the whole or any part of the money mentioned in said petition, for the purpose of supporting the said widow, they to be accountable to the Judge of Probate of the county of Worcester for the expenditure of the same. [*Passed October 4.*]

## CHAPTER 273.

RESOLVE DIRECTING THE COMMITTEE FOR SETTLING WITH THE ARMY TO SETTLE THE DEPRECIATION OF JOHN BURBANK AND JOSHUA BENTLEY IN THE SAME MANNER AS THOSE OF THE FIFTEEN BATTALIONS.

Legislative  
Records of the  
Council,  
xl., 601.  
Mass.  
Archives,  
ccxxix., 382.  
Mass.  
Resolves,  
Sept. Session,  
chap. 137.  
Mass.  
Archives,  
ccxxix., 383.

ON THE PETITION of John Burbank and Joshua Bentley, praying for an allowance to be made them on account of the depreciation of the money:

*Resolved*, That the Committee for settling with the Army be, and they hereby are directed, to settle with the said John Burbank and Joshua Bentley for the depreciation of their wages, in the same manner as they settle with the officers and soldiers of the fifteen battalions of this State's quota of the Continental Army, and having regard to all extra pay by them received, and certify the same to the honourable Council. [*Passed October 4.*]



## CHAPTER 274.

RESOLVE ABATING ONE-THIRD OF ALL THE TAXES THAT HAVE OR MAY BE LAID ON THE TOWN OF HANCOCK ACCORDING TO THE LAST VALUATION.

ON THE PETITION of Samuel Hand, in behalf of the inhabitants of the town of Hancock, [asking a further abatement of their taxes than granted in Resolve of June 21st, last];<sup>1</sup>

*Resolved*, That one-third part of all the taxes that have been or may be levied on said town according to the last valuation, be abated for reasons set forth in said petition, and [Henry Gardner, Esq.,]<sup>2</sup> the Treasurer of this State is hereby directed to credit said town of Hancock accordingly. [*Passed October 4.*]

Legislative  
Records of the  
Council,  
xl., 601.  
Mass.  
Archives,  
ccxxix., 385.  
Mass.  
Resolves,  
Sept. Session,  
chap. 142.

Mass.  
Archives,  
ccxxix., 384.  
*Ante*, p. 563,  
chap. 91.

## CHAPTER 275.

RESOLVE DIRECTING THE COMMITTEE ON MUSTER ROLLS TO ALLOW CAPT. JOSEPH LIVERMORE AND COMPANY WHAT MAY BE FOUND DUE THEM FOR DETAINED CONTINENTAL RATIONS.

*Resolved*, That the Committee on muster-rolls be directed to allow to Capt. Joseph Livermore and company what may be found due to them for their detained Continental rations, said Capt. Joseph Livermore presenting proper authenticated rolls for the same. [*Passed October 4.*]

Legislative  
Records of the  
Council,  
xl., 601.  
Mass.  
Archives,  
ccxxix., 386.  
Mass.  
Resolves,  
Sept. Session,  
chap. 130.

## CHAPTER 276.

RESOLVE EMPOWERING THE KENNEBECK PROPRIETORS TO LAY OUT A ROAD AND MAKE A NEW ALLOTMENT OF LAND ON THE WEST SIDE OF THE KENNEBECK RIVER ABOVE FORT HALIFAX.

ON THE PETITION of Henry Alline, clerk of the proprietors of the Kennebeck purchase from the late colony of New-Plymouth, asking leave to lay out a road and make a new allotment of land on the West side of the Kennebeck river above Fort Halifax, as the settling lots are so far distant from each other that people do not incline to settle upon them; leaving the grantees the same quantity of land as is contained in their grants and more valuable.

*Resolved*, That the prayer of the said petition be granted, and the Kennebeck proprietors are hereby authorized and empowered to lay out, or cause to be laid, a road and lots thereon, within the tract of land granted or to be granted by the said proprietors to certain persons of said propriety, and mentioned in said petition, and to dispose of said lots in lieu of the reserved lots therein referred to, of which reserved lots, lying within any particular grant, the same number shall be the property of the grantee or his heirs as there shall be of lots laid out on said road within such grant, any thing contained in the grants aforesaid to the contrary notwithstanding. [*Passed October 4.*]

Legislative  
Records of the  
Council,  
xl., 602.  
Mass.  
Archives,  
ccxxix., 387.  
Mass.  
Resolves,  
Sept. Session,  
chap. 144.

Mass.  
Archives,  
ccxxix., 388.

<sup>1</sup> Massachusetts Archives, ccxxix., 384.

<sup>2</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 277.

RESOLVES FOR REDUCING THE GUARDS ON THE SEACOAST AND REQUESTING THE COUNCIL TO ORDER THE DISCHARGE OF ALL OFFICERS AND MEN NOT RETAINED.

Legislative  
Records of the  
Council,  
xl., 602.  
Mass.  
Archives,  
ccxxix., 389.  
Mass.  
Resolves,  
Sept. Session,  
chap. 147.

*Ante*, p. 315,  
chap. 678.

WHEREAS it appears that the keeping up so large a number of men as Guards at the several ports on the sea-coasts, is attended with a needless expence to the State: Therefore

*Resolved*, That the men which have been raised (and are now doing duty as Guards at the several ports on the sea-coasts) either by the Resolves of the General Court or by order of the Honourable Council, be so far discharged, as that there be retained in the pay of this State, no more than is hereafter expressed, viz.

At Falmouth and Cape-Elizabeth, one serjeant, one corporal and twelve matrosses.

At the fort at Plumb-Island, one corporal and three matrosses.

At Gloucester, one serjeant and six matrosses.

At Beverly, one corporal and three matrosses.

At Salem, one corporal and four matrosses.

At Marblehead, one corporal and three matrosses.

At Dartmouth, one serjeant and six matrosses.

At the Gurnet, one serjeant and six matrosses.

At the forts on Dorchester heights, one serjeant and nine matrosses.

At Boston, one captain, one lieutenant, two serjeants, two corporals, one drum, one fife, and forty privates.

And it is further

*Resolved*, That the honorable Council be and hereby are requested, to give their orders for the discharge of the officers and men not retained by the above resolve. [*Passed October 4.*]

## CHAPTER 278.

RESOLVES APPOINTING CAPT. EZRA LUNT STATE-CLOTHIER AND COMMISSARY FOR ISSUING SMALL STORES, TO GIVE BOND AS THE COUNCIL DIRECTS BEFORE QUALIFYING; ALLOWING HIM THE PAY AND RATIONS OF A MAJOR IN THE CONTINENTAL ARMY, TWO CLERKS TO RATE AS LIEUTENANTS, AND DIRECTING EBENEZER WALES AND AMASA DAVIS, ESQUIRES, TO DELIVER HIM ALL THE CLOTHING AND STORES THEY HAVE ON HAND THE PROPERTY OF THE UNITED STATES.

Legislative  
Records of the  
Council,  
xl., 602.  
Mass.  
Archives,  
ccxxix., 390.  
391. Mass.  
Resolves,  
Sept. Session,  
chap. 148.

*Ante*, p. 243,  
chap. 515;  
p. 323, chap.  
695.

WHEREAS it appears to this Court that the business of the State-Clothier and the Commissary for issuing small stores at camp may be more properly conducted by one person, and thereby an expence saved to the State:

*Resolved*, That Capt. Ezra Lunt be, and he is hereby appointed State-Clothier and Commissary for issuing small stores to our quota of the Continental Army, who shall observe and be governed in the execution of his office by the orders and directions contained in the Resolves of this Court of November 18th, and December 29th, 1779, and also the Resolves of Congress of the 23d of March, 1779, for regulating the business of State-Clothier and Commissary of small stores. And it is further

*Resolved*, That Ebenezer Wales and Amasa Davis, Esquires be, and they are hereby directed, to deliver over to the said Capt. Ezra Lunt, all the cloathing and stores which they have on hand, being the property of this State or of the United States, taking duplicate receipts, one of which shall be lodged in the office of the Committee for methodizing and settling accounts; and the said Capt. Ezra Lunt shall be entitled to the pay and rations of a Major in the Continental Army, during the time of his continuing



in the service above assigned him, and that he be allowed not more than two clerks or assistants, who shall severally be allowed the pay and rations of a Lieutenant in the Continental Army.

Whereas the office of State-Commissary and Clothier is a place of great trust and importance, and much public property may be committed to his care.

*Resolved*, That the person who is or shall be elected to that office, give bond to [Henry Gardner, Esq.,]<sup>1</sup> the Treasurer of the State in such sum and with such security as the Council shall direct, for the faithful discharge of said office, and that he be not qualified to execute the same before such security is given. [*Passed October 4.*]

## CHAPTER 279.

RESOLVE DISCHARGING CALEB DAVIS, ESQ., ONE OF THE MANAGERS OF THE STATE LOTTERY, OF ALL THE MONEYS AND TREASURER'S NOTES HE HAS RECEIVED, HE PAYING INTO THE TREASURY ALL PRIZES NOT DEMANDED WITHIN TWELVE MONTHS AFTER THE DRAWING OF EACH CLASS.

THE COMMITTEE appointed to settle with the Managers of this State's lottery, have examined the accounts of Caleb Davis, Esq., one of the Managers of said lottery, and find that he has paid into the Treasury of this State all the money he has received in the four classes, except what is reserved to pay off the low prizes: Therefore

*Resolved*, That the said Caleb Davis be, and he is hereby fully discharged from all the monies and Treasurer's notes he has received as one of the Managers of said lottery, he paying into the Treasury all prizes not demanded within twelve months after the drawing of each class. [*Passed October 4.*]

Legislative  
Records of the  
Council,  
xl., 603.  
Mass.  
Resolves,  
Sept. Session,  
chap. 141.

*Ante*, p. 171,  
chap. 356;  
p. 273, chap.  
582.

## CHAPTER 280.

RESOLVE EMPOWERING THE JUSTICES OF THE SUPERIOR COURT AT ANY SESSION TO EXAMINE INTO THE CIRCUMSTANCES OF EPHRAIM SHELDON, SUSPECTED OF HAVING TAKEN AN ACTIVE PART WITH THE ENEMY AT MAJORBIGWADUCE, THE CAUSES OF HIS COMMITMENT, THE EVIDENCE AGAINST HIM, AND TO ADMIT HIM TO BAIL IF IT MAY BE DONE WITH SAFETY TO THE STATE.

ON THE PETITION of Ephraim Sheldon, representing that he has been long confined in the gaol in Boston, upon suspicion of his having taken an active part with the enemy at Majorbigwaduce; and that (though innocent) he cannot have a trial until the session of the Superior Court of Judicature, Court of Assize and General Gaol Delivery, in the county of Cumberland, in July next, and praying the interposition of this Court for his relief:

*Resolved*, That the prayer of said petition be so far granted, that the Justices of said Superior Court be empowered, at their session in any of the counties within this State, to examine into the circumstances of the said Ephraim Sheldon, the causes of his commitment, with the evidence against him; and if on examination they shall judge that he may be admitted to bail with safety to the State, that they be empowered to admit the said Ephraim Sheldon to bail, any Resolve, Order, or Act of this Court to the contrary notwithstanding. [*Passed October 4.*]

Legislative  
Records of the  
Council,  
xl., 603.  
Mass.  
Archives,  
ccxix., 392.  
Mass.  
Resolves,  
Sept. Session,  
chap. 125.

Mass.  
Archives,  
ccxix., 393.

<sup>1</sup> *Ante*, p. 337, chap. 734.



## CHAPTER 281.

RESOLVE DIRECTING THE TREASURER TO PAY £400, NEW EMISSION, TO LIEUT. JAMES AVERY, AGENT FOR COL. ALLAN, COMMANDER OF THE GARRISON AT MACHIAS, FOR THE ACCOMMODATION OF THE OFFICERS AND SOLDIERS AS PART OF THEIR WAGES UNTIL THE PAY ROLL FOR SAID GARRISON IS FINALLY SETTLED.

Legislative  
Records of the  
Council,  
xl., 603.  
Mass.  
Archives,  
ccxxix., 394.  
Mass.  
Resolves,  
Sept. Session,  
chap. 145.

WHEREAS Lieut. James Avery, Agent for Col. John Allen [Allan],<sup>1</sup> commanding officer at Machias, has represented to this court, that the officers and men at the garrison of Machias aforesaid, have not received any wages since the 1st day of June, 1779, and that both officers and men are suffering for want of the money due to them for wages as aforesaid: Therefore

*Resolved*, That [Henry Gardner, Esq.,]<sup>2</sup> the Treasurer of this State be directed, and he is hereby accordingly directed, to pay to Lieut. James Avery, Agent for Col. John Allen [Allan],<sup>1</sup> commanding officer of the garrison at Machias, the sum of Four Hundred Pounds, in money of the new emission, for the accommodation of the officers and soldiers at Machias, and in part pay of their wages, until the pay roll for said garrison is finally settled, Col. Allen [Allan]<sup>1</sup> to be accountable for the same. [*Passed October 4.*]

## CHAPTER 282.

RESOLVE ESTABLISHING THE PAY OF SAMUEL RUGGLES, LATE STATE-CLOTHIER, AND HIS ASSISTANT, AS THAT OF CAPTAIN AND ENSIGN IN THE LINE OF THE CONTINENTAL ARMY, TO COMMENCE WHEN THEY RESPECTIVELY ENTERED ON THE BUSINESS OF THEIR COMMISSION, IN LIEU OF THE PAY HERETOFORE GRANTED THEM, AND DIRECTING THE COMMITTEE FOR SETTLING WITH THE ARMY TO SETTLE WITH THEM FOR THE DEPRECIATION OF THEIR WAGES.

Legislative  
Records of the  
Council,  
xl., 604.  
Mass.  
Archives,  
ccxxix., 395.  
Mass.  
Resolves,  
Sept. Session,  
chap. 128.

ON THE PETITION of Samuel Ruggles, late State-Cloathier, praying for an augmentation of his wages, and of the wages of his Assistant, for reasons set forth in the petition:

*Resolved*, That the pay of said Samuel Ruggles be the same as the pay of a Captain in the line in the Continental Army, and the pay of his Assistant the same as an Ensign in said Army, to commence at the time when they respectively entered on the business of their commission, in lieu of the pay which was heretofore granted them respectively; and that the Committee for settling with the army be, and they hereby are directed to settle with them for the depreciation of their wages, during the time they were in the service, and certify the same to the honorable Council, having regard to all payments made them. [*Passed October 4.*]

<sup>1</sup> Massachusetts Archives, cxliv., 444.

<sup>2</sup> *Ante*, p. 337, chap. 734.

Mass.  
Archives,  
ccxxix., 396.



## CHAPTER 283.

RESOLVE GRANTING £12. 2s., NEW EMISSION, TO MERCY COOKE FOR NURSING AND BOARDING A WEAKLY AND SICKLY NEGRO CHILD BELONGING TO THE ESTATE OF THOMAS OLIVER, ABSENTEE.

ON THE PETITION of Mercy Cooke, [of Cambridge]<sup>1</sup> praying for the allowance of her account [for boarding and nursing a weakly and sickly negro child belonging to the estate of Thomas Oliver, absentee, from the 26th of October, 1779 to the 7th of September, 1780].<sup>1</sup>

*Resolved*, That the prayer of her petition be so far granted, that there be allowed and paid out of the Treasury of this State, the sum of twelve Pounds two Shillings of the bills of the new emission, in full discharge of her account. [*Passed October 4.*]

Legislative  
Records of the  
Council,  
xl., 604.  
Mass.  
Archives,  
ccxxix., 397.  
Mass.  
Resolves,  
Sept. Session,  
chap. 143.  
Mass.  
Archives,  
ccxxix., 397a-  
399.

## CHAPTER 284.

RESOLVES PLACING THE MILITIA WHO MARCHED TO RHODE ISLAND IN JULY LAST ON THE CONTINENTAL ESTABLISHMENT, WITH A FURTHER ALLOWANCE OF 4s., NEW CURRENCY, PER DAY AND 8d. PER MILE FOR TRAVEL TO THE RENDEZVOUS AND 1s. 4d. FOR EACH DAY THEY DREW NO RATIONS, AND DIRECTING THE OFFICERS WHO RECEIVED PAY FOR THEIR MEN TO PAY SELECTMEN WHO SENT PROVISIONS AGREEABLE TO THE MILITIA LAW.

THE COMMITTEE appointed to make an establishment for the militia who marched to the State of Rhode-Island, by order of Council of the 22d of July last, beg leave to report by way of resolve: Therefore

*Resolved*, That all staff and field officers and commissioned officers commanding companies, make up their rolls for allowance agreeable to the Continental establishment for themselves and companies, and the said rolls after being examined and allowed by the Committee on muster rolls, be paid, and the same charged to the continent.

And whereas said order of Council happened to be in an extraordinary busy season of the year, whereby those who marched suffered much in the loss they sustained in not securing their grain, hay, &c: Therefore, be it further

*Resolved*, That there be allowed and paid to each officer and soldier who marched on the alarm, and continued in the service until regularly discharged, be further allowed [*sic*] four shillings of the new currency per day for wages, and eight pence per mile for their travel from their homes to the places of their rendezvous, and one shilling and four pence for rations for each day they found themselves and drew no rations, and that there be a separate roll made up for each company for the above purpose for allowance.

And whereas it is represented that some of the Selectmen of towns sent provisions to supply their men agreeable to the militia law: It is further

*Resolved*, That the officer or officers who received the pay for the men borne on their rolls, be directed to pay to such Selectmen what they have expended for the same, any law to the contrary notwithstanding. [*Passed October 4.*]

Legislative  
Records of the  
Council,  
xl., 605.  
Mass.  
Archives,  
ccxxix., 402.  
Mass.  
Resolves,  
Sept. Session,  
chap. 127 [a].

<sup>1</sup> Massachusetts Archives, ccxxix., 397a, 399.



## CHAPTER 285.

Legislative  
Records of the  
Council,  
xl., 605.  
Mass.  
Resolves,  
Sept. Session,  
chap. 146.

Mass.  
Archives,  
ccxxix., 413.

RESOLVE GRANTING £100, NEW CURRENCY, TO THE HON. JAMES LOVELL, ESQ., OR HIS ATTORNEY, AS A COMPENSATION FOR HIS SERVICES AND GREAT SUFFERINGS IN THE CAUSE OF HIS COUNTRY.

*Resolved*, That there be allowed and paid out of the Treasury of this State, to the Hon. James Lovell, Esq., or his Attorney, the sum of One Hundred Pounds, in the new currency, as a compensation for his services and great sufferings in the cause of his country. [*Passed October 4.*]

## CHAPTER 286.

RESOLVE INSTRUCTING THE DELEGATES IN CONGRESS TO CONCERT WITH THE OTHER DELEGATES FOR THE ESTABLISHMENT OF THE RIGHTS, LIBERTY AND INDEPENDENCE OF THE UNITED STATES UPON A BASIS PERMANENT AND SECURE AGAINST THE POWER OF THE BRITISH NATION, FOR PROSECUTING THE PRESENT WAR, CONCLUDING PEACE, CONTRACTING ALLIANCES, ESTABLISHING COMMERCE AND GUARDING AGAINST FUTURE ENCROACHMENTS AND MACHINATIONS OF THE ENEMIES OF THESE UNITED STATES.

Legislative  
Records of the  
Council,  
xl., 605.  
Mass.  
Archives,  
cxlii., 239.  
Mass.  
Resolves,  
Sept. Session,  
chap. 126.

WHEREAS the Hon. Samuel Adams, Elbridge Gerry, James Lovell, Samuel Holton, George Partridge, Artemas Ward, and Timothy Danielson, Esquires, are chosen and appointed to represent this State in the American Congress for one year, to commence the 1st day of January next ensuing:

*Resolved*, That the above-named gentlemen, or any two of them, or when more are present in Congress, a major part of them, be, and they hereby are fully empowered, with the Delegates who are or may be appointed from the other American States, to concert, direct and order such further measures as appear to them best calculated for the establishment of the rights, liberty and independence of the United States of America, upon a basis permanent and secure against the power and art of the British nation; for prosecuting the present war; concluding peace; contracting alliances; establishing commerce; and guarding against any future encroachments and machinations of the enemies of these United States; with power to adjourn to such times and places as shall appear most conducive to the public safety and advantage. And it is hereby enjoined that at least four of the said gentlemen constantly attend on the business of their delegation. [*Passed October 4.*]

## CHAPTER 287.

Legislative  
Records of the  
Council,  
xl., 606.  
Mass.  
Archives,  
ccxxix., 411.  
Mass.  
Resolves,  
Sept. Session,  
chap. 135.

Mass.  
Archives,  
ccxxix., 410.  
*Ade*, p. 333,  
chap. 716.

RESOLVE PERMITTING THEOPHILUS AND ANSELL CROSBY TO RETURN IN THEIR BOAT TO NOVA SCOTIA WITH PROVISIONS SUFFICIENT TO SUPPLY THE HANDS ON BOARD DURING THE VOYAGE.

ON THE PETITION of Theophilus and Ansell Crosby, praying that they may have liberty to return in their boat to Nova-Scotia, and carry with them sundry articles:

*Resolved*, That the prayer of said petition be so far granted, that the said Theophilus and Ansell Crosby be permitted to return in their said boat to Nova-Scotia, with provisions sufficient to supply the hands on board during the voyage; and [Nathaniel Barber,



Esq.,]<sup>1</sup> the Naval-Officer for the port of Boston is hereby directed to give a clearance for said boat, any Act or Resolve of this State to the contrary notwithstanding. [*Passed October 4.*]

## CHAPTER 288.

RESOLVE COMMENDING THE FIREWARDS OF BOSTON FOR SEIZING TWENTY BARRELS OF POWDER (BEING PUBLIC PROPERTY) LYING ON ONE OF THE WHARFS, MUCH EXPOSED, THROUGH NEGLECT OF THE BOATMAN, AND RECOMMENDING THEM TO DELIVER SAME TO THE BOARD OF WAR, THEY PAYING ALL CHARGES THAT MAY HAVE ARISEN IN CONSEQUENCE OF SAID SEIZURE.

WHEREAS it has been represented to this Court, by the Board of War, that twenty barrels of gun-powder (being public property) has, by the fire-wards of the town of Boston, been seized, said powder lying on one of the wharfs, and much exposed; and as it appears that all the precaution was taken by the said Board of War that was necessary, and that the neglect took place from the conduct of the boatman that brought the said powder: Therefore

*Resolved*, That the fire-wards of the town of Boston have, in the aforesaid seizure, conducted with an eye to the public good, and that it be recommended to the said fire-wards to deliver the said powder to the said Board of War, they paying all charges that may have arisen in consequence of said seizure. [*Passed October 4.*]

Legislative  
Records of the  
Council,  
xl., 606.  
Mass.  
Archives,  
ccxix., 403.  
Mass.  
Resolves,  
Sept. Session,  
chap. 129.

## CHAPTER 289.

RESOLVES REQUESTING THE COUNCIL TO ISSUE BEATING ORDERS TO RAISE A COMPANY OF MEN TO DO DUTY AS GUARDS AT RUTLAND FOR ONE YEAR, MAKING AN ESTABLISHMENT FOR THEM AND THE GUARDS AT SPRINGFIELD, AND EMPOWERING COL. CLAP TO MUSTER AND INSPECT THE SAID GUARDS AT RUTLAND.

IT BEING REPRESENTED to this Court that the term for which the Guards were raised which are now doing duty at Rutland is nearly expired, and that it is necessary to continue a Guard at that place, and the raising troops for so short a term as those Guards have been usually raised has been very expensive and burthensome on the Brigade in the county of Worcester: Therefore

*Resolved*, That the honorable the major part of the Council be requested to issue beating orders to one captain and one subaltern, to raise a company of forty men, with two sergeants, two corporals, one drummer, and one fifer, for the term of one year, commencing from the time of their arrival at Rutland, unless sooner discharged, and to be upon the following establishment, viz.

Legislative  
Records of the  
Council,  
xl., 606.  
Mass.  
Archives,  
ccxix., 407.  
Mass.  
Resolves,  
Sept. Session,  
chap. 127.  
Mass.  
Archives,  
clxxvii., 238.

One Captain twelve Pounds per month.

One Lieutenant eight Pounds per ditto.

Two Sergeants three Pounds per ditto each.

Two Corporals two Pounds four Shillings per ditto each.

One Drummer and one Fifer at two Pounds four Shillings per ditto each.

Forty Privates at two Pounds per ditto each.

The foregoing establishment to be considered in money of the new emission, and the Guard at Springfield shall be considered upon the same establishment, and the Captain thereof is hereby directed to make up his roll accordingly, any Law or Resolve to the contrary notwithstanding: And it is further

<sup>1</sup> *Ante*, p. 333, chap. 716.



*Resolved*, That Col. Daniel Clap be, and he is hereby appointed and empowered to muster the troops enlisted for said Guard, and make return thereof to the major part of the Council; and the said Col. Clap is also empowered and requested to inspect the conduct of said Guard, and give such information to the Council, from time to time, as he may think proper. [*Passed October 4.*]

## CHAPTER 290.

### RESOLVES VESTING THE COUNCIL WITH CERTAIN POWERS DURING THE RECESS.

Legislative  
Records of the  
Council,  
xl., 607.  
Mass.  
Resolves,  
Sept. Session,  
chap. 131.

WHEREAS it is necessary for the public safety, that certain powers should be lodged in the Council, other than those they are usually vested with: Therefore

*Resolved*, That until the sitting of a new Assembly of the Commonwealth of Massachusetts, the honorable the Council be, and they hereby are fully authorised and impowered to nominate and appoint, as occasion may require, such commission officers in any of the land forces and armed vessels, in the service and pay of this State, and also in the militia, whose places by death or otherwise are, or may (during the coming together of the Assembly aforesaid) become vacant, as to them shall appear necessary, and put them under the command of such officer or officers, as they may judge proper: Also to treat and conclude treaties of amity and friendship with any Indians that may arrive in this State, and make such provision for them as they judge necessary. And it is further

*Resolved*, That the major part of the Council shall have full power and authority to examine, allow and pass on the pay-rolls of the sea coast men and their commissaries accounts, and also the rolls of the militia who may have been in service, any Act or Resolve to the contrary notwithstanding. And it is also

*Resolved*, That the honorable Council be, and they hereby are authorised and impowered, to detach from the militia of this State, under the proper officers of the same, any number not exceeding Four Thousand men, to do duty out of this State, but upon the Continent for a term not exceeding three months, but subject to be recalled at any time by the Council or Great and General Court of the Commonwealth aforesaid.

And also, if occasion shall require, to give orders for raising any number of men not exceeding One Thousand, for the defence of the Eastern parts of this State, to be continued in service not exceeding two months, subject to be recalled as aforesaid, and appoint proper officers to command the same, and grant warrants on the Treasury for such sums as shall be necessary to supply the men so raised. And may direct the Board of War to supply the troops now in the Eastern department with shoes and stockings, they paying for the same by its being deducted out of their wages. And it is further

*Resolved*, That the honorable Council be, and they hereby are authorised and impowered to grant permits to any of the inhabitants of the neighbouring States for the transportation of their effects out of this State, either by land or water, if the Council may judge it necessary and expedient. And it is further

*Resolved*, That the honorable Council are hereby authorised and impowered, if they shall judge the public service require it, to authorise and impower the Committee appointed to superintend the purchase of beef and grain, or any other person or persons they may judge proper, to take by impress beef, salt, rum, or any other



articles that may be necessary for the use of the army or the public defence. And it is further

*Resolved*, That the honorable Council are authorised to give such further directions and instructions to the Committee appointed to superintend the purchasing of beef, &c. as they shall judge necessary.

And the honorable the major part of the Council are further authorised and impowered to convene the Great and General Court at an earlier day than that to which it shall be adjourned or prorogued, if they judge the public service require it. [*Passed October 4.*<sup>1</sup>

<sup>1</sup> Prorogued to the 18th of October.







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# TOWN CHAPTERS

1692-1714

RELATING TO THE ESTABLISHMENT OF TOWNS, PRECINCTS AND PARISHES,  
DETERMINING TERRITORIAL BOUNDARIES AND GRANTING LANDS, GIVEN  
BY TITLES ONLY IN VOLUMES VII, VIII, IX, ORIGINALLY PLANNED  
TO BE PRINTED IN A SEPARATE VOLUME. BY AN ORDER OF THE  
COUNCIL, MAY 29, 1901, THIS PRACTICE WAS DISCONTINUED,  
AND FROM 1715 ON, ALL ARE PRINTED IN THEIR  
ESTABLISHED CHRONOLOGICAL PLACE.







# TOWN CHAPTERS, 1692-1714

## CHAPTER 2.

(Province Laws, VII., 9.)

ORDER APPOINTING JOHN PYNCHON, ESQ., AND OTHERS, A COMMITTEE TO REGULATE THE SETTLEMENT OF BROOKFIELD, ALIAS QUABOAG.

UPON READING A PETITION from the Inhabitants of Brookfield alias Quaboag; Praying that a Committee may be Appointed as formerly to direct, and regulate the Settlement of Said plantation and the Affairs thereof:

*Ordered*, That John Pyncheon Esq<sup>r</sup>, Capt Sam Partrigg, Mr Joseph Hawley, Mr [John]<sup>1</sup> Hitchcock, and Mr Medad Pomrey, be and are hereby Appointed, and impower'd to y<sup>t</sup> Service.<sup>2</sup>  
[Passed June 23, 1692.]

Legislative  
Records of the  
Council,  
vi., 232.

Mass.  
Archives,  
cxii., 425-427.  
Legislative  
Records of the  
Council,  
vi., 184.

## CHAPTER 11.

(Province Laws, VII., 15.)

ORDER REDUCING THE LIMITS OF LITTLE COMPTON TO THE BOUNDS FORMERLY SETTLED BY THE COURT OF PLYMOUTH, CONFIRMING THE GRANT OF TOWN PRIVILEGES THERE, DIRECTING THE CHOICE OF CONSTABLES IN PUNKATEESE, NUNQUAKET, AND POCASSET AND EMPOWERING THE SAME.

WHEREAS Little Compton in y<sup>e</sup> County of Bristol was by y<sup>e</sup> General Court of y<sup>e</sup> Late Colony of Plymouth granted to be a Town with priviledges as other Towns in y<sup>e</sup> Colony after w<sup>ch</sup> Punkatees Nunaquaket & Pocasset was priviledged, or accustomed to Act with them in their Town Affaires, vpon consideration of the distance of some of y<sup>r</sup> dwellings being Twelve miles from s<sup>d</sup> Little Compton, & the Increase of y<sup>e</sup> Inhabitants, But more especially vpon y<sup>e</sup> petition of divers of y<sup>r</sup> majesties Good subjects of Little Compton aforesd This Court doe see cause & hereby doe allow &

*Order* y<sup>t</sup> s<sup>d</sup> Town of Little Compton be Reduced & hereby are Reduced to y<sup>e</sup> Bounds of y<sup>r</sup> Township formerly settled by y<sup>e</sup> Court of Plymouth afores<sup>d</sup> & by themselves Enjoy the priviledg of a Town according to their Grant And That these Punkatees, Nunaquaket & Pocasset forthwith chuse a Constable within their Bounds & be under such farther Regulations as his Excellency y<sup>e</sup> Gov<sup>r</sup> & Council shall find to be for y<sup>r</sup> majesties service & their Due encouragement & settlement, And y<sup>t</sup> their or any of their former Or present Constables may collect their Rates formerly or lately assessed vpon any of y<sup>e</sup> Inhabitants or others rateable persons of s<sup>d</sup> Little Compton Punkatees Nunaquaket or Pocasset & pursue y<sup>e</sup> same to effect to all Intents as they might have done any thing herein contained to the contrary notwithstanding.  
[Passed March 13, 1692/3.]

Legislative  
Records of the  
Council,  
vi., 275.

Mass.  
Archives,  
cxii., 437.

Plymouth  
Colony  
Records, vi., 88.

<sup>1</sup> Mass. Archives, cxii., 425.

<sup>2</sup> Pursuant to a petition of Oct. 5, 1692, Mass. Archives, cxii., 425, it was voted to re-establish said Committee "till they are become fit to ord<sup>r</sup> affaires amongst y<sup>m</sup>selves."



## CHAPTER 3.

(Province Laws, VII., 23.)

VOTE APPOINTING A HEARING ON THE PETITIONS OF THE INHABITANTS OF IPSWICH FARMS AND TOPSFIELD PRAYING THAT THE FORMER MAY BE JOINED TO THE LATTER IN THE SUPPORT OF THE MINISTRY, AS FORMERLY; AND FOR NOTIFYING THE SELECTMEN OF IPSWICH THEREOF.

Mass.  
Archives,  
cxiii., 47.

[ON THE PETITIONS of Inhabitants of Ipswich farms and the town of Topsfield for joining the two, for the support of the ministry, as formerly]

*Voted*, That the Pet<sup>rs</sup> be heard upon the within Pet<sup>con</sup> on Friday the 7<sup>th</sup> of July next at the Second Session of this Court. Cops of the Pet<sup>cons</sup> w<sup>th</sup> this Notification thereon to be sent unto the Select men of Ipswich. That so they may have opportunity to be also heard if ought they have to say on behalfe of their Town, against the granting of what is within prayed for.<sup>1</sup> [*Passed June 17, 1693.*]

## CHAPTER 6.

(Province Laws, VII., 25.)

ORDER APPOINTING JOHN HATHORNE, ESQ., AND OTHERS, A COMMITTEE TO HEAR THE AGENTS OF IPSWICH AND TOPSFIELD RESPECTING THE BOUNDS BETWEEN SAID TOWNS.

Legislative  
Records of the  
Council,  
vi., 293.

Mass.  
Archives,  
cxiii., 30-55.  
*Supra*,  
chap. 3.

UPON READING THE PETITION of the Town of Topsfield praying that the Bounds, betwixt them, and the Town of Ipswich may be Settled, and that the Priviledges formerly granted them by the General Court, of the Late Massachusetts Colony may be Confirmed; Notice having been given to the Selectmen of Ipswich of the Said Petition, and a hearing granted to be

*Ordered* That a Committee be appointed to hear the Persons deputed by each of said Towns, and to make their report to this Court

And John Hathorne, and Nathaniel Thomas, Esq<sup>rs</sup> are nominated to Joine with such as shall be Appointed by the Representatives, as a Committee for that Occasion. [*Passed July 7, 1693.*]

## CHAPTER 2.

(Province Laws, VII., 31.)

ORDER APPOINTING FRANCIS HOOKE, ESQ., AND OTHERS, A COMMITTEE TO SURVEY LANDS AT CAPE PORPOISE RIVER PRAYED FOR BY JOHN WHEELWRIGHT, AND TO ASCERTAIN IF THERE ARE ADVERSE CLAIMANTS.

Legislative  
Records of the  
Council,  
vi., 304.  
Mass.  
Archives,  
lix., 209.

UPON READING THE PETITION of John Wheelwright of Wells, praying that Liberty may be granted him to Erect a Saw Mill upon Cape Porpus River, about Six Miles up into the Country above the Bounds of the Towns; with a Liberty to Cut Timber in Vacant Lands adjoining for Supply of Said Mills

<sup>1</sup> This came up July 7, when a Committee was appointed which reported on the same day, which report was read the first time July 13, and then (see endorsement on Ipswich farms petition) the matter was put over to the November session when the House, November 15, negatived it. On November 28 the House passed a new order of notice to Ipswich which was sent up to Council, and there the matter was dropped.



*Ordered* That Francis Hooke and Charles Frost Esq<sup>rs</sup> and m<sup>r</sup> Jonathan Hammond of Wells be a Committee to make Inquiry if there be any Claims to the Land Petitioned for, and a general Survey of the Quantity and Quality thereof, and to Report the same in order to granting the Pet<sup>r</sup> what he moves for. [*Passed November 14,*<sup>1</sup> 1693.

Mass.  
Archives.  
lix., 208-212.

## CHAPTER 4.

(Province Laws, VII., 32.)

VOTE GRANTING TO SAMUEL SEWALL, AND HANNAH HIS WIFE, ONE THOUSAND ACRES OF LAND ON MERRYCONEG NECK, CASCO BAY.

ON THE PETITION of Samuel Sewall Esq<sup>r</sup>, and Hannah his Wife Daughter, and Heir of John Hull Esq<sup>r</sup> decced, was read, Setting forth that the late Governour, and Company of the Massachusetts Bay in General Court held at Boston May 6<sup>th</sup> 1657, did grant unto John Endicott Esq<sup>r</sup> then Govern<sup>r</sup>, One thousand Acres of Land, to be laid out unto him in any Place, not prejudicing former Grants in Lieu of Seventy five pounds by him, and his Wife in the General Adventure, which Grant was sold by the Said John Endicott Esq<sup>r</sup> and Elizabeth his Wife unto the Said John Hull Esq<sup>r</sup>, and his Heirs forever, and that no land has hitherto been laid out for the Same, Praying that one thousand acres of Land lying upon Mariconeg Neck in Casco Bay within the late Province of Main, next below the Path at the Carrying place on Said Neck contained between the Said path, and a Streight Line to be run right across said neck from one Bay to the other, may be granted unto the Petitioners, and their Heirs for ever

Legislative  
Records of the  
Council,  
vi., 303.

Mass.  
Archives,  
xlv., 211, 212.  
Mass. Bay  
Records, iii.,  
430.

[*Voted*] The Said One Thousand Acres of Land is granted Accordingly, so as it prejudice not any former Grants. [*Passed November 15,*<sup>1</sup> 1693.

## CHAPTER 6.

(Province Laws, VII., 33.)

VOTE GRANTING THE PETITION OF SAMUEL VARNUM, EDWARD COBOURNE, AND OTHERS, INHABITANTS AND PROPRIETORS OF LANDS NORTH OF THE MERRIMAC RIVER, FOR A TRACT OF UNIMPROVED LAND, SO AS IT PREJUDICE NO FORMER GRANT.

A PETITION of Samuel Varnum, Edw<sup>d</sup> Cobourne & Several others, the Inhabitants, and proprietors of the Lands lying on the North side of Merrimack River in the County of Essex, praying that a Small Tract, or parcell of Vacant Unimproved Land, not yet taken up containing about two hundred, Acres, lying betwixt their Lands, and Meadows extending the whole Length thereof according to a draught annexed, might be granted them for an Enlargement of their Accomodations, being voted in the House of representatives, was read, an pass'd in the Affirmative by the Council So as it prejudice no former grant. [*Passed November 27,* 1693.

Legislative  
Records of the  
Council,  
vi., 312.  
Mass.  
Archives,  
cxiii., 19.

Mass.  
Archives,  
Maps and  
Plans, 3d  
series, xxxii., 1.

<sup>1</sup> This date is November 13 according to Legislative Records of the Council.



## CHAPTER 13.

(Province Laws, VII., 35.)

VOTE APPROVING THE DRAUGHT OF AN INSTRUMENT FOR CONFIRMING THE PLANTATION OF WOODSTOCK TO JOSEPH DUDLEY AND OTHERS, PROPRIETORS.

Legislative  
Records of the  
Council,  
vi., 318.  
Mass.  
Archives,  
cxiii., 16.

Legislative  
Records of the  
Council,  
vi., 126.  
Mass.  
Archives,  
cxiii., 14-18.  
Mass. Bay  
Records, v.,  
426, 468.  
Sewall, Diary,  
i, 315.

UPON READING THE PETITION of [Timothy Stevens, Samuel Scarbrough, John Ruggles, Sr., and Samuel Ruggles]<sup>1</sup> Select Men of Roxbury and [Josia Chapin and John Butcher],<sup>1</sup> a Committee for Woodstock praying a Confirmation of a Certain, Tract, or Parcell of Land of Seven Mile Square granted to the Proprietors of Roxbury, in the Nipmugg Country by the late Governour, and Company of the Massachusetts Bay [in 1683]<sup>1</sup> and Surveyed, and laid out, and Conditions of said Grant by Settle<sup>t</sup> and otherwise fulfilled and the Plantation now Called Woodstock A draught of an Instruement for Confirmation of the Said Tract or parcell of Land unto Joseph Dudley Esq<sup>r</sup> William Denison, Capt Timothy Stevens, and others with the rest of the Inhabitants, and proprietors of Said Roxbury, and Woodstock respectively, was presented,

*Voted in the Affirmative. [Passed December 5, 1693.]*

## CHAPTER 15.

(Province Laws, VII., 35.)

ORDER APPOINTING A DAY FOR CONSIDERING THE PETITION OF TOPSFIELD AND THE REPORT OF A COMMITTEE THEREON RESPECTING THE BOUNDARIES BETWEEN IPSWICH AND TOPSFIELD.

Legislative  
Records of the  
Council,  
vi., 321.  
Mass.  
Archives,  
cxiii., 47a.

Mass.  
Archives,  
cxiii., 25-55.  
*Ante*, p. 669,  
chap. 6.

*Order'd* that the Eighth day of the next sessions of this Court the Petition of Topsfeild and Returne of the Committe thereupon be Considered and that Ipswich have notice thereof passed in the Affirmative by the house of Representatives & sent up to his Ex<sup>ll</sup> & Council for y<sup>r</sup> Concurrence. [*Passed December 7,<sup>2</sup> 1693.*]

## CHAPTER 18.

(Province Laws, VII., 37.)

ORDER ESTABLISHING THE BOUNDARY BETWEEN IPSWICH AND TOPSFIELD.

Legislative  
Records of the  
Council,  
vi., 333.  
Mass.  
Archives,  
cxiii., 56.

*Supra*,  
chap. 15.

UPON CONSIDERATION of the Report of y<sup>e</sup> Committee appointed by this Court relating to the controversy betwixt the Towns of Topsfield and Ipswich about their boundaries, And persons Empoured by each of said Towns being fully heard thereon. It is determined and

*Ordered* That the bounds betwixt the said Towns of Ipswich and Topsfield be, remain and for ever continue to be according to the Lines thereof agreed upon stated and Setled by a Committee of persons appointed by each of said Towns in the year 1684, & Entred in Ipswich Town Booke, Including m<sup>r</sup> Simonds Farme to Topsfield, That is to Say, the whole Farme granted unto m<sup>r</sup>

<sup>1</sup> Mass. Archives, cxiii., 17.

<sup>2</sup> This date is December 8 according to Legislative Records of the Council.



Simonds, or commonly known by the name of m<sup>r</sup> Simonds's Farme; howsoever afterward disposed of or parce'd out.

*Voted* in Council and past in the Affirmative

*Voted & passed* in the Affirmative in y<sup>e</sup> house of Representatives.  
[*Passed February 28,*<sup>1</sup> 1693/4.

## CHAPTER 20.

(Province Laws, VII., 55.)

VOTE FOR NOTIFYING THE SELECTMEN OF WATERTOWN, UPON A PETITION FOR LIBERTY TO ERECT A MEETING-HOUSE IN THE WEST END OF THAT TOWN, AND APPOINTING JAMES RUSSELL, ESQ., AND OTHERS, A COMMITTEE TO HEAR THE SAID SELECTMEN AND THE PETITIONERS.

ON A PETITION from the Inhabitants of the West end of the Town of Watertown, Setting forth their distance from the place of public Worship, and praying that they may have Liberty to erect a Meeting house in that part of Said Town for the Worship of God, was read, And it was thereupon

Legislative  
Records of the  
Council,  
vi., 357.  
Mass.  
Archives,  
xi., 81a.

*Voted* in Council, That the Selectmen of Watertown be Notified thereof, And that James Russell, Samuel Sewall and Joseph Lynde Esq<sup>rs</sup> be a Committee to hear the Select men and some on behalfe of the Petition<sup>rs</sup> if any thing be to be Objected, why their Petition should not be granted, m<sup>r</sup> Russell to appoint time and place of meeting for that End, And to make Report unto this Court.

Mass.  
Archives,  
xi., 81.

Past in the affirmative by the house of Representatives provided maj<sup>r</sup> Penn Townsend Cap<sup>t</sup> Thomas Brown maj<sup>r</sup> Jeremiah Sweyne & Deacon Jn<sup>o</sup> Cuttler be joyned to be of the above named Committee consent<sup>d</sup> to by y<sup>e</sup> Council. [*Passed September 7,*<sup>2</sup> 1694.

## CHAPTER 21.

(Province Laws, VII., 55.)

VOTE APPOINTING CAPT. THOMAS BROWN, AND OTHERS, A COMMITTEE TO RUN THE BOUNDARY LINES BETWEEN CONCORD, CHELMSFORD, BILLERICA, WAMESIT, AND THE BLOODS' FARMS ETC., AND TO REPORT WHETHER THEY FIND ANY UNGRANTED LANDS REMAINING THERE.

UPON READING THE PETITION of the Selectmen of Concord & Chelmsford &c,

*Voted* That Cap<sup>t</sup> Thomas Brown of Sudbury & L<sup>t</sup> Fisk of Cambridge & m<sup>r</sup> Joseph Sherman of Wattertown be a Committee to view the lines between Concord Chelmsford Bilrica Weymessett and the Bloods Farms or any Lands there about in Controversy between The Towns adjacent farms or Cuntry Lands near Said Towns & make Report whether there be any Cuntry Lands Left there according to their particulerr Grants & of their doings therein at the next Session of this Court. [*Passed September 11,* 1694.

Legislative  
Records of the  
Council,  
vi., 360.  
Mass.  
Archives,  
cxiii., 24a.

Mass.  
Archives,  
cxiii., 24.

<sup>1</sup> This date is February 27 according to Legislative Records of the Council.

<sup>2</sup> This date is September 5 according to Legislative Records of the Council.



## CHAPTER 45.

(Province Laws, VII., 63.)

VOTE FOR NOTIFYING THE SELECTMEN OF CONCORD, CHELMSFORD AND BILLERICA, AND OTHERS, TO APPEAR AND SHOW CAUSE AGAINST THE GRANTING OF CERTAIN VACANT LANDS.

Legislative  
Records of the  
Council,  
vi., 380.

*Ante*, p. 671,  
chap. 21.

THE REPORT of the Committee Appointed by the General Assembly to View the Lines betwixt Concord, Chelmsford, Bilrica Wymesit And the Bloods' Farmes, or any other Lands thereabouts, And to report whether there be any vacant Land Left there, Over, and above the particular Grants, being read, with the Vote of the Representatives thereon

*Voted* in concurrence, therewith, That the Selectmen of the respective Towns aforementioned be Notified by the Secretary to Appear before the Court on Tuesday next the 5<sup>th</sup> Currant by themselves or such as they shall Appoint, As also Robert, and John Blood, to shew cause, if any they have, why the Court may not grant the said Vacant Lands. [*Passed March 1, 1694/5.*]

## CHAPTER 46.

(Province Laws, VII., 63.)

ORDER APPOINTING CAPT. JOHN BROWNE, AND OTHERS, A COMMITTEE TO VIEW THE GRANTS AND CLAIMS OF THE TOWN OF REHOBOTH, AND THE LINE OF THE NORTH PURCHASE OR THE TOWN OF ATTLEBOROUGH, AND TO REPORT THEREON.

Legislative  
Records of the  
Council,  
vi., 381.  
Mass.  
Archives,  
cxiii., 110.

Province Laws,  
i., 184, chap. 17.  
Plymouth  
Colony  
Records,  
iv., 185.

THE TOWN of Rehoboth in the County of Bristol appeared by their Agents, and represented, That by the Act made at the last Session of the General Assembly for Stating of the bounds of a New Town in said County Called Attleborô One mile, and a half of Land formerly granted by the General Court of New plimouth Colony as an Enlargement of the Said Town of Rehoboth on the Northerly side thereof, was Comprehended within the Bounds set to Attleborô, and challenged by them notwithstanding the Saving in the said Act, and having been heard thereon, As also some on behalf of the Said Town of Attleborô.

*Ordered* Capt. Jn<sup>o</sup> Browne of Swansey Cap<sup>t</sup> Thomas Leonard of Taunton & m<sup>r</sup> Sam<sup>l</sup> Fisher of wrentham (cap<sup>t</sup> Browne to appoynt time) be a Cômitlee to View the Grants & Clames of s<sup>d</sup> Towne of Rehoboth, & the Line of y<sup>e</sup> North purchass or Towne of Attleburrough, & make report of their doings therein unto the next Gen<sup>l</sup> Assembly with the discription of sd Lines, Claimed by Each. [*Passed March 5,<sup>1</sup> 1694/5.*]

<sup>1</sup> This date is March 4 according to Legislative Records of the Council.



## CHAPTER 47.

(Province Laws, VII., 63.)

## VOTE AUTHORIZING SHEERJASHUB BOURNE TO PURCHASE CERTAIN LANDS IN SANDWICH AND WAQUOIT OF THE INDIANS.

UPON READING THE PETITION of Sheerjashub Bourne of Sandwich Esq<sup>r</sup> Praying liberty to purchase of the Indians two Small parcells of Land, the One about thirty or forty Acres Lying near to the dwelling house of said Bourne, and the Other parcell containing about Twenty or Thirty Acres, with some Skirts of Meadow Adjoining lying at a place called Waquait, License is Accordingly granted unto the Said M<sup>r</sup> Bourne to purchase the Said Lands of the Indians, So as it be free,

Legislative  
Records of the  
Council,  
vi., 382.  
Mass.  
Archives,  
xlv., 221.

*Voted* and Granted provided their be not any intrenchment upon former Grant or Grants, &c said Bourne making such payments as Capt W<sup>m</sup> Bassit and m<sup>r</sup> Shuball Smith shall judge ought to be made that the indians be not injured therby. [*Passed March 5, 1694/5.*]

## CHAPTER 50.

(Province Laws, VII., 64.)

## VOTES GRANTING NATHANIEL THOMAS A PIECE OF LAND IN THE TOWN OF PLYMOUTH ADJACENT TO HIS MESSUAGE AND THE COURT-HOUSE.

[ON THE PETITION of Nathaniel Thomas of Marshfield]

*Voted* by y<sup>e</sup> House of Representatives that what y<sup>e</sup> Within named petitioner hath herein prayed for Be Granted to him Reserving twenty foot in Breadth of s<sup>d</sup> Land next adjoining to y<sup>e</sup> Southerly side of y<sup>e</sup> Court house & houses there belonging to y<sup>e</sup> late colony of plimouth he paying as within is s<sup>d</sup>

Legislative  
Records of the  
Council,  
vi., 386.  
Mass.  
Archives,  
xlv., 220.

*Voted* in Council to be grant<sup>d</sup> 40 foot in breath throughout y<sup>e</sup> length Reserving thirty four foot in breadth throughout y<sup>e</sup> Length to y<sup>e</sup> use of y<sup>e</sup> publick house. [*Passed March 9, 1694/5.*]

## CHAPTER 2.

(Province Laws, VII., 75.)

## VOTE APPOINTING A HEARING ON THE PETITION OF THOMAS HINCKLEY PRAYING THAT TWO HUNDRED ACRES OF LAND NEAR SECONET MAY BE LAID OUT TO HIM ACCORDING TO A FORMER GRANT, AND FOR NOTIFYING THE ADVERSE PARTIES THEREOF.

Legislative  
Records of the  
Council,  
xvi., 400.  
Mass.  
Archives,  
xlv., 223.

UPON READING THE PETITION of Thomas Hinckley Esq<sup>r</sup> praying for the laying out, and instating of him in Two hundred Acres of Land lying at or about Succonett formerly granted him by the General Court of New plymouth

*Voted*, That the matter in this Petition be referred to be heard at the next Sitting of the General Assembly the adverse Partys to be notified thereof. [*Passed June 10, 1695.*]

Mass.  
Archives,  
xvi., 222.  
Plymouth  
Colony  
Records,  
vi., 245.



## CHAPTER 3.

(Province Laws, VII., 75.)

VOTE APPOINTING ELISHA COOKE, ESQ., AND OTHERS, COMMISSIONERS TO MEET WITH THE COMMISSIONERS FROM CONNECTICUT, TO AGREE UPON A PLACE FOR THE BEGINNING OF THE BOUNDARY LINE BETWEEN THAT COLONY AND MASSACHUSETTS.

Legislative  
Records of the  
Council,  
vi., 401.  
Mass.  
Archives,  
iii., 57.

*Voted*, That Elisha Cooke, Elisha Hutchinson Esqr<sup>s</sup> and m<sup>r</sup> James Taylor or any two of them be appoint<sup>d</sup> and Commissioned on the behalfe of this Province to meet with the Commission<sup>rs</sup> of Connecticut Colony to concert and agree of the place where to begin the Line for runing of the boundaries betwixt the two Governm<sup>ts</sup> And upon their Report the Gov<sup>r</sup> and Council to commissionate the s<sup>d</sup> Gent<sup>n</sup> or whome else they shall thinke fit to carry on and State the s<sup>d</sup> Line, with such as shall be appointed by Connecticutt. [*Passed June 11, 1695.*]

## CHAPTER 6.

(Province Laws, VII., 76.)

ORDER APPOINTING MR. JOHN WADSWORTH AND MR. SAMUEL SPRAGUE A COMMITTEE TO VIEW THE SITUATION OF THE INHABITANTS OF THE WESTERLY PART OF PLYMOUTH, AND TO PROPOSE A LINE FOR SETTING THEM OFF INTO A SEPARATE PRECINCT, A PLAT TO BE RETURNED.

Legislative  
Records of the  
Council,  
vi., 404.  
Mass.  
Archives,  
xi., 97.

Mass.  
Archives,  
xi., 94-96;  
cxlii., 113;  
Maps and  
Plans, 3d  
series, xxxiii.,  
28.

UPON READING THE PETITION of sundry of the Freeholders and Inhabitants within the westerly part of the Town of Plymouth, therein setting forth their remotness from the place of Publique worship in s<sup>d</sup> Town Praying that they may be a distinct Precinct or Hamlet of themselves for the inviting and procuring a minister to preach unto and Settle with them; and upon their so doing may be Exempted from any charge towards the Support of the present ministry in Plymouth, they being already about Forty Familys settle<sup>d</sup> in the s<sup>d</sup> westerly part of [the] Town.

*Ordered*, That m<sup>r</sup> John Wadsworth of Dux & m<sup>r</sup> Sam<sup>l</sup> Sprague [of] marshfield be a Comitte<sup>e</sup> to view the Situation of y<sup>e</sup> s<sup>d</sup> remote Inhabitants of Plym<sup>o</sup> & y<sup>e</sup> number of Familys, and to propose a Line, for making a division betwixt the body of s<sup>d</sup> Town of [Plymouth] and a Precinct to be allowed as is above prayed for, and to make Report of their doings together w<sup>th</sup> a Plat of the s<sup>d</sup> Land unto the next Session of the General Assembly in order to their granting what is prayed for as above. [*Passed June 14, 1695.*]

## CHAPTER 7.

(Province Laws, VII., 77.)

ORDER DECLARING THAT CERTAIN LANDS CLAIMED TO BE A PART OF ATTLEBOROUGH, UNDER THE ACT OF INCORPORATION, BE AND REMAIN PART OF REHOBOTH.

Legislative  
Records of the  
Council,  
vi., 404.

*Ante*, p. 672,  
chap. 46.

WHEREAS by the Act of the General Assembly for the granting of a new Township within the County of Bristol called Attlebor<sup>o</sup>, Provision is made, that no intrinchemt be upon the rights, or Bounds of the Town of Rehoboth, or Taunton, And forasmuch as



the Town of Rehoboth complain that the Number of Miles mentioned in the s<sup>d</sup> Act will extend to the taking part of their Township, And a Committee appointed by this Court having examined thereto and presented a Draft of the lying of both the said Towns, whereby it do's so Appear which is Contrary to the declared intent of the Court at the time of passing said Act, Rehoboth Men then particularly laying claim to a Mile, and half of the Tract of Land commonly Called the North purchase now Attleborô. It is therefore hereby Declared, and

*Ordered*, That the said one Mile and half of Land on the Northerly side of Rehoboth be, and Continue to be part of the said Township of Rehoboth, Any thing in the said Act Notwithstanding, Provided that all public Taxes assessed upon the Several persons dwelling, upon the Said Mile, and half of Land, whilst they were esteemed to be of the Town of Attleborô and proportioned upon them by the Select Men of s<sup>d</sup> Town, shall be Collected by the Constable of Attleborô the Alteration since made notwithstanding, And also their Charge as a Town unto this time. [*Passed June 14, 1695.*]

## CHAPTER 9.

(Province Laws, VII., 77.)

VOTE FOR NOTIFYING THE INHABITANTS OF THE TOWN OF SPRINGFIELD, ON THE EAST SIDE OF CONNECTICUT RIVER, TO APPEAR AND ANSWER TO THE PETITION OF THE INHABITANTS OF THE PART OF SAID TOWN LYING WEST OF SAID RIVER FOR LEAVE TO SETTLE A MINISTER.

UPON READING THE PETITION of the Inhabitants of Springfield lying on the West side of Connecticut River, praying that they may have Liberty to invite, and settle a Minister among them setting forth their distance from the place of Public Worship in said Town

*Voted* That The Towne of Springfield on the East Side of Connecticut River be notified of this Petition that if they see cause they may & have liberty at the General Assembly in May to make their objections (if any be) & Sent up to the hon<sup>ble</sup> Lt Gov<sup>r</sup> and Council for their Concurrence. [*Passed June 17, 1695.*]

Legislative  
Records of the  
Council,  
vi., 406.  
Mass.  
Archives,  
xi., 109.

Mass.  
Archives,  
xi., 108;  
cxiii., 102.

## CHAPTER 10.

(Province Laws, VII., 77.)

ORDER APPOINTING CAPT. AARON COOKE, AND OTHERS, A COMMITTEE (ON THE PETITION OF ELEAZAR FRAREY, IN BEHALF OF THE TOWN OF HATFIELD, PRAYING FOR AN ADDITION ON THE WESTERN SIDE THREE MILES INTO THE WILDERNESS) TO SURVEY THE SAME AND RETURN A PLAT THEREOF.

UPON READING THE PETITION of Eleazar Frarey in behalf of the Town of Hatfield, Praying for the grant of an Adition of Land to the said Town upon the Westerly side thereof, three miles into the Wilderness betwixt the Bounds of Northampton, on the Southerly side

*Ordered*, That Cap<sup>ne</sup> Aaron Cooke of Hadley, m<sup>r</sup> Joseph Hawley of Northampton and Cap<sup>ne</sup> Jon<sup>a</sup> Wells of Deerfield be a Com<sup>ittee</sup> to Survey the Land petitioned for as aboves<sup>d</sup> and to make their Report with a Platt thereof unto the next Session of this General Assembly. [*Passed June 18, 1695.*]

Legislative  
Records of the  
Council,  
vi., 407.  
Mass.  
Archives,  
cxiii., 114.



## CHAPTER 21.

(Province Laws, VII., 81.)

VOTE FOR NOTIFYING SAMUEL GOOKIN AND SAMUEL HOW TO APPEAR AND ANSWER TO THE COMPLAINT OF THOMAS SAWIN, ATTORNEY TO THE INDIANS OF NATICK.

Legislative  
Records of the  
Council,  
vi., 412.  
Mass.  
Archives,  
xxx., 361.

UPON READING THE PETITION of Thomas Sawin Attorney to y<sup>e</sup> Indians of Natick, therein Setting forth, that they are greatly injured by Mr Sam<sup>l</sup> Gookin of Cambridge, and Sam<sup>l</sup> How of Sudbury engrossing a great quantity of their Land, on pretence of a Grant, Praying to be heard, and releived in that Matter

Mass.  
Archives,  
cxiii., 112.

*Voted* that m<sup>r</sup> Secretary [Isaac Addington]<sup>1</sup> give notice from this Court to m<sup>r</sup> Tho: Sawin of Sherbourne & m<sup>r</sup> Sam<sup>l</sup> Gookin of Cambridge & m<sup>r</sup> Sam: How of Sudbury to appeare before this Court att their next Session, to answer to this Petition. [*Passed June 22,<sup>2</sup> 1695.*]

## CHAPTER 33.

(Province Laws, VII., 84.)

ORDER GRANTING SIR HENRY ASHHURST, KNIGHT AND BARONET, AGENT FOR THE PROVINCE, ONE THOUSAND ACRES OF VACANT AND UNAPPROPRIATED LAND.

Legislative  
Records of the  
Council,  
vi., 416.  
Mass.  
Archives,  
cvi., 387.

IN THANKFUL ACKNOWLEDGMENT of the good Services done by S<sup>r</sup> Henry Ashhurst K<sup>nt</sup> and Baronet in his Agency for this Province;

*Ordered*, That there be a Grant of one thousand acres of Vacant and unappropriated Land unto the s<sup>d</sup> S<sup>r</sup> Henry Ashhurst, to be laid out and confirm<sup>d</sup> unto him his heirs and assigns for ever in such place as he shall make choice of. [*Passed June 28, 1695.*]

## CHAPTER 41.

(Province Laws, VII., 88.)

ORDER FOR NOTIFYING THE INHABITANTS OF THE WEST PART OF WATERTOWN TO APPEAR AND ANSWER TO THE PETITION OF THE INHABITANTS OF THE EAST PART OF SAID TOWN.

Legislative  
Records of the  
Council,  
vi., 423.

ON A PETITION from the Inhabitants of the east end of Watertown Praying to be a distinct Society for the Settlement, and Support of the Worship of God in that part of the said Town was read, And

Mass.  
Archives,  
xi., 82-88, 93;  
cxiii., 268-282.  
*Ante*, p. 671,  
chap. 20.

*Ordered* That the Inhabitants of the West part of said Town be notified thereof by the Secretary [Isaac Addington]<sup>1</sup> to Attend on Fryday next the 29<sup>th</sup> Currant, to shew Cause if any they have, why the said Petition may not be granted. [*Passed November 25, 1695.*]

<sup>1</sup> Province Laws, vii., 71.

<sup>2</sup> This date is June 24 according to Legislative Records of the Council.



## CHAPTER 42.

(Province Laws, VII., 88.)

VOTE ENLARGING HATFIELD BY ANNEXING A TRACT OF LAND  
ADJACENT THERETO ON THE WEST.

UPON READING THE REPORT of a Committee Appointed by this Court; to view a Certain Tract of Land Adjacent to the Town of Hatfield, on the West part thereof, and petitioned for as an enlargement to said Town, extending three Miles into the Wilderness, betwixt the Bounds of Northampton on the Southerly Side and the bounds of Deerfield on the Northerly side, and platt thereof presented by the said Committee

Legislative  
Records of the  
Council,  
vi., 424.  
Mass.  
Archives,  
Maps and  
Plans, Mis.,  
iii., 26.

*Ante*, p. 675,  
chap. 10.

The Return on the other side being Read in the house of Representatives The Land Petitioned for & mentioned as ~~p~~ sd Returne, is Granted Provided it doth not any way Infring any former Grant

*Voted* In ye house of Representatives & past in the Affirmative,  
Read in Council and

*Vot<sup>d</sup>* a concurrence. [*Passed November 26, 1695.*]

## CHAPTER 45.

(Province Laws, VII., 89.)

VOTE SETTING OFF A PRECINCT IN THE WESTERLY PART OF  
PLYMOUTH.

UPON PERUSAL OF THE REPORT of a Committee of this Court appointed to view the Situation of the remote Inhabitants of the Westerly part of the Town of Plymouth with the number of Familys there residing and to propose a Line in order to making a division between them and the body of said Town for setting up the worship of God in said Precinct. And haveing considered of what was offered by the Agents for the s<sup>d</sup> Town of Plymouth, The Court do approve and allow of the divisional Line stated by the s<sup>d</sup> Committee viz<sup>t</sup> Extending from Jones River Pond (so called) unto Jeduthun Robins his present dwelling; with this Variation onely, so as to leave out of the s<sup>d</sup> Line, the dwellings of the s<sup>d</sup> Robins, Benaja Pratt, John Pratt and Eleazer Dunham, to make a distinct Precinct for Setting up the worship of God and Support of a learned & Orthodox ministry among themselves, being remote from the present place of publick worship in s<sup>d</sup> Town; And do grant and order That all the Inhabitants (Except as afores<sup>d</sup>) that are or shall hereafter Settle within the s<sup>d</sup> Line, and their Lands & Estates lying there shall stand charged towards the Settlem<sup>t</sup> and Support of such a ministry, in manner as the Law relating to the maintenance and Support of ministers do's direct and provide, and to be assessed thereto by two or More Assessors as shall from time to time be Elected and appointed by the Major part of s<sup>d</sup> Inhabitants for that purpose; which s<sup>d</sup> Inhabitants may also nominate and appoint a Collector to gather and pay in the same as by order under the hands of such Assessors shall be directed. Provided nevertheless That all Lands lying within the 1<sup>st</sup> Precinct belonging to other Persons in s<sup>d</sup> Town not Inhabiting there shall be free from all such assessm<sup>ts</sup> and not stand charged towards the Support of the Ministry in said place; Nor shall any Lands belonging to any of s<sup>d</sup> Inhabitants lying in other part of the Town

Legislative  
Records of the  
Council,  
vi., 424.  
Mass.  
Archives,  
xi., 99.

*Ante*, p. 674,  
chap. 6.



be charged towards the Support of the ministry at the Town; And that all the Wood & Timber being or growing within the s<sup>d</sup> Precinct shall remain & continue to the use of the Co<sup>m</sup>oners and Proprietors as formerly. And do further order that when and so soon as the Inhabitants of s<sup>d</sup> Precinct shall have procured a Learned & Orthodox Minister to preach the word of God among them, they shall be freed & Exempt from paying towards the Support of the Ministry At the Town, and for so long time as they shall Enjoy & have such a ministry continued with them.

*Voted* and past in Council

*Voted* a concurrence in the house of Representatives. [*Passed November 26, 1695.*]

## CHAPTER 48.

(Province Laws, VII., 89.)

VOTE GRANTING AND CONFIRMING TO SAMUEL SEWALL AND HANNAH, HIS WIFE, FIVE HUNDRED ACRES OF LAND AT PENNECOOK, IN PLACE OF LANDS FORMERLY GRANTED TO THEM ON MERRYCONEG NECK.

Legislative  
Records of the  
Council,  
vi., 427.  
Mass.  
Archives,  
xlv., 227.

Mass.  
Archives,  
xlv., 211, 228.  
*Note*, 569,  
chap. 4.

UPON READING THE PETITION of Samuel Sewall Esq<sup>r</sup> and Ha<sup>n</sup>nah his Wife, Daughter, and Heir of John Hull Esq<sup>r</sup> Praying that five hundred Acres of Land lying at Pennicook on the North east side of Merrimack River, as in the Platt thereof, therewith presented, made by Capt Jonathan Danforth Surveyer, may be granted, and Confirmed to them in part of a Grant of One thousand Acres Confirmed to them upon an Ancient Grant made unto John Endicott Esq<sup>r</sup> then Governour, and purchased by the said John Hull, And formerly sett forth unto the Petitioners at Merriconeg neck in Casco bay upon the said Grant, Appearing to be before granted unto Harvard Colledge

[*Voted*] The Aforesaid Five hundred acres petitioned for is granted. [*Passed December 3,<sup>1</sup> 1695.*]

## CHAPTER 49.

(Province Laws, VII., 90.)

VOTE GRANTING AND CONFIRMING TO JAMES RUSSELL ONE THOUSAND ACRES OF UNAPPROPRIATED LAND NEAR QUINSIGAMOND POND IN THE RIGHT OF FRANCIS WILLOUGHBY, ESQ., LATE DEPUTY GOVERNOR.

Legislative  
Records of the  
Council,  
vi., 428.  
Mass.  
Archives,  
xlv., 229.

Mass.  
Archives,  
xlv., 230.  
Mass. Bay  
Records, iv.,  
part ii., 438.

UPON READING THE PETITION of James Russell Esq<sup>r</sup> Son, and Heir of Richard Russell Esq<sup>r</sup> Decēd, Praying a Confirmation of a Certain Tract of Land of Vacant, and Unappropriated Land, of a Thousand Acres laid out by John Haynes Surveyour on the North side of Connecticut road, and on the East side of Worcester bounds near Quansigamog ponds, According to platt, upon a Grant Anciently made unto Francis Willoughby Esq<sup>r</sup> then deputy Governour, and purchased by said Richard Russell

*Voted* to be granted. [*Passed December 3,<sup>1</sup> 1695.*]

<sup>1</sup> This date is November 29 according to Legislative Records of the Council.



## CHAPTER 59.

(Province Laws, VII., 94.)

ORDER APPOINTING CAPT. JOSEPH MOSS, AND OTHERS, A COMMITTEE, ON THE PETITION OF THE INDIANS AT NATICK, TO SURVEY AND LAY OUT LANDS CLAIMED BY SAMUEL GOOKIN AND SAMUEL HOW, AND TO ARRANGE FOR THE PURCHASE FROM THE INDIANS BY GRANTEES FROM SAID GOOKIN AND HOW WHO HAVE IMPROVED LANDS OUTSIDE OF SAID GRANT, THE MONEYS RECEIVED FIRSTLY TO REIMBURSE SAID GOOKIN AND HOW, THE REMAINDER TO LIE AS A FUND FOR THE RELIEF OF THE POOR OF NATICK.

UPON READING THE PETITION of Thomas Sawin Attourney and on behalfe of several principal Indians of the Plantation of Natick complaining of incroachments made on them by M<sup>r</sup> Samuel Gookin of Cambridge & Samuel How of Sudbury, claiming a large quantity of their Land over & above what was granted them in and by a certain Deed made unto them for two hundred acres more or less, ratified and confirmed by the General Court and have disposed thereof unto sundry particular persons M<sup>r</sup> Gookins having been notified of the s<sup>d</sup> Petition & Complaint, and producing his original Deed for the s<sup>d</sup> two hundred acres more or less, as also a Writing under the hands of some of the Indians for a further enlargement of the s<sup>d</sup> Grant & moneys received in consideration thereof

Legislative  
Records of the  
Council,  
vi., 437.  
Mass.  
Archives,  
cxliii., 2.

Mass.  
Archives,  
Maps and  
Plans, Mis.,  
iii., 27, 28.  
Mass Bay  
Records, v.,  
354-356, 361.  
A<sup>nt</sup>e, p. 676,  
chap. 21.

To the Intent That the Indians may not have cause to Complain of their suffering wrong or injury Its

*Ordered* That Capt. Joseph Moss of Sherborne Leut David Fisk of Cambridg m<sup>r</sup> Joseph Shermon of Watertown be a Com̄tee to Survey all that Tract of Land claimed by the s<sup>d</sup> Gookins and How or others deriving from them, by virtue of any Grant or Grants from y<sup>e</sup> Indians And to Set forth unto the s<sup>d</sup> Gookin and How & their assigns the two hundred acres expressed in their Deed full measure, and to make & return a Platt of the whole Tract claimed by the s<sup>d</sup> persons or others deriving from them unto the General Assembly at their next sitting. And all those that have made any Improvem<sup>ts</sup> upon the s<sup>d</sup> Lands or that now hold & enjoy y<sup>e</sup> same Be & hereby are Licensed to agree w<sup>th</sup> & purchase the Indians right & title thereto by the assistance & consent of the s<sup>d</sup> Com̄tee at a reasonable & equal value who are to receive the moneys to be paid for the same, which shall be employed by direction and order of the Gov<sup>r</sup> & Council, firstly to reimburse the s<sup>d</sup> Gookin & How so much as they have advanced unto the Indians with reference to the s<sup>d</sup> Lands more than the purchase Considera<sup>ti</sup>on for the 200 acres and y<sup>e</sup> charge of this Com̄tee and the remainder to lye as a Fund for the relief of the Poor of the S<sup>d</sup> Plantation of Natick. [*Passed December 13, 1695.*]

## CHAPTER 8.

(Province Laws, VII., 110.)

VOTE GRANTING TO SAMUEL SEWALL AND HANNAH, HIS WIFE, FIVE HUNDRED ACRES OF LAND ON THE NORTH SIDE OF CONNECTICUT ROAD, BETWEEN WORCESTER, LANCASTER AND MARLBOROUGH, TO COMPLETE A GRANT OF ONE THOUSAND ACRES CONFIRMED UNTO THEM IN NOVEMBER, 1693.

UPON READING THE PETITION of Samuel Sewall Esq<sup>r</sup> and Hannah his Wife Daughter, and Heir, of John Hull Esq<sup>r</sup> dece<sup>d</sup>, Praying That five hundred Acres of Land lying on the North side of Con-

Legislative  
Records of the  
Council,  
vi., 459.  
Mass.



Archives,

xvi., 520.

*Ante*, p. 678,  
chap. 48.

necticott Road between Worcester, Lancaster, and Marlborô laid out by John Haynes Surveyor (as by the platt of the Same therewith presented) may be granted, and Confirmed unto the Petitioners, and their Heirs for ever, to Compleat a Grant of One Thousands Acres formerly made unto John Endicott Esq<sup>r</sup> & purchased of him by the said John Hull, being Confirmed unto the Petitioners by the General Assembly Sitting in November 1693, & sett forth to them at Merriconeg Neck in Casco Bay, which Appears to be before granted to Harvard Colledge

*Voted* That s<sup>d</sup> petition<sup>rs</sup> be granted Five hundred Acres of Land lying on the north side of Connecticut Road according to s<sup>d</sup> petition & plat herewith presented, provided it prejudice no Former Grant. [*Passed June 8,*<sup>1</sup> 1696.

## CHAPTER 45.

(Province Laws, VII., 127.)

### ORDER ERECTING A PRECINCT AT WEST SPRINGFIELD FOR THE SETTLEMENT AND SUPPORT OF A MINISTER.

Legislative  
Records of the  
Council,  
vi., 493.  
Mass.  
Archives,  
xi., 118.

Mass.  
Archives,  
xi., 107-117.  
Legislative  
Records of the  
Council,  
vi., 491.  
*Ante*, p. 675,  
chap. 9.

UPON READING THE PETITION of the Inhabitants of the Town of Springfield on the west side of the great River runing thro<sup>t</sup> the s<sup>d</sup> Town comonly cal'd Connecticut River, therein Seting forth their distance from the place of meeting for the publick worship of God in s<sup>d</sup> Town, and the difficulties and danger attending their passing of the s<sup>d</sup> River; besides many other inconveniences they lye under by reason thereof; being about thirty two Familys and in number upwards of two hundred Souls

Praying That they may be permitted to invite and Settle a Minister on that side of the River, that themselves and Familys may enjoy the Ordinances of Christ, and their Children not be in danger of becomeing heathens for want of Instruction. And a Comittee appointed by this Court of indifferent and judicious persons belonging to the several Neighbouring Towns to inquire into that matter, haveing given a meeting to the Inhabitants of the said Town, and heard what was offered on both sides; Reporting That they judge the desire of the Petitioners to be reasonable, and y<sup>t</sup> the granting of their Pet<sup>con</sup> will not onely Promote Religion but be much also for the worldly advantage of the Town,

*Ordered*, That the s<sup>d</sup> Pet<sup>rs</sup> be and hereby are permitted and allowed to invite procure and settle a learned & Orthodox Minister on the west side of the s<sup>d</sup> River, to dispense the word of God unto those that dwell there and that they be a distinct and Seperate Precinct for that purpose the River to be the dividing Line. And that the prst Inhabitants on the west side of the s<sup>d</sup> River, together with such as shall from time to time Settle among them, have liberty to convene together to advise agree upon and take such methods as may be sutable and convenient for the procuring Encourageing, Setling and Support of a minister Qualified as afores<sup>d</sup> and for the building of a Meeting house according as shall be determined by a Major vote And also to nominate and appoint a Comittee of three or more persons among themselves to transact and manage that affaire; And all the Inhabitants and Estates under their improvement lying on the west side of the s<sup>d</sup> River shall stand charged towards the Settle<sup>t</sup> and Support of the ministry in s<sup>d</sup> place in manner as y<sup>e</sup> Law relating to the maintenance and Support of Ministers do's direct and provide and be assessed thereto

<sup>1</sup> This date is June 9 according to Legislative Records of the Council.



proportionably by two or more assessors as shall from time to time be Elected and appointed by the major part of the s<sup>d</sup> Inhabitants for that purpose, who may also nominate and appoint a Collector to gather and pay in the same as by warrant or Order under the hands of such assessors he shall be directed. And when and so soon as the Inhabitants of s<sup>d</sup> Precinct shall have procured a learned & orthodox minister to preach the word of God among them, they shall be freed and Exempt from paying towards the Support of the ministry on the other side of the River, and for so long time as they shall continue to have and Enjoy such a minister. [*Passed December 4, 1696.*]

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## CHAPTER 50.

(Province Laws, VII., 130.)

VOTE CONFIRMING TO SAMUEL GOOKIN AND SAMUEL HOW, AND PERSONS HOLDING UNDER THEM, SEVENTEEN HUNDRED ACRES OF LAND AT NATICK, THEY PAYING TEN POUNDS FOR SURVEYING THE SAME; AND RESERVING TO THE INDIANS THERE ONE THOUSAND ACRES OF LAND ADJOINING THE TOWN OF SHERBORN.

IN ANSWER TO THE PETITION of Thomas Sawen Attourney to the Indians at Natick.

*Voted.* That the Seventeen hundred Acres according to the plat presented to this Court by David Fiske be confirmed unto Mess<sup>rs</sup> Gookin and How (and the Tertenants holding under them) they and s<sup>d</sup> Tertenants paying Tenn pounds for Surveying the Land; The Thousand Acres next to Sherborne to be reserved to y<sup>c</sup> Indians, not to be disposed of but by Order from this Court. [*Passed December 9, 1696.*]

Legislative  
Records of the  
Council,  
vi., 497.  
Mass.  
Archives,  
xxx., 361a.

*Ante*, p. 679,  
chap. 59.

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## CHAPTER 1.

(Province Laws, VII., 151.)

ORDER PROVIDING FOR THE CHOICE OF A COMMITTEE, BY THE ATTENDANTS AT THE TWO MEETING-HOUSES IN WATERTOWN RESPECTIVELY, TO REPRESENT THEM AT A HEARING BEFORE THE GENERAL COURT, ON A MOTION BY SEVERAL MINISTERS OF THE PROVINCE, ADVISING THAT THERE BE TWO CHURCHES ESTABLISHED IN SAID TOWN, ETC.

UPON READING THE REPRESENTATION & motion [of Watertown]

*Ordered,* That a Signification of the Import thereof be sent unto the Select men of Watertown to be by them communicated unto the Inhabitants, And that such of the Inhabitants as usually attend the worship of God in the new meeting house do nominate three or four fit persons from among themselves; and that the Inhabitants usually attending the worship of God in the old meeting house do alike nominate three or four fit persons from among themselves to appear before this Court upon Tuesday the 8<sup>th</sup> of June curr<sup>t</sup> to be heard upon the s<sup>d</sup> motion That the Court may proceed to do therein as they shall judge best conducing to the peace and Settlement<sup>t</sup> of s<sup>d</sup> Town. [*Passed June 1, 1697.*]

Legislative  
Records of the  
Council,  
vi., 527.  
Mass.  
Archives,  
xi., 106o.

Mass.  
Archives,  
xi., 106o.  
*Ante*, p. 676,  
chap. 41.



## CHAPTER 2.

(Province Laws, VII., 151.)

VOTE APPROVING AND ALLOWING THE ALLOTMENT AND DIVISION OF SCORTON NECK AND SHAUME NECK BY THE INHABITANTS OF SANDWICH,

Legislative  
Records of the  
Council,  
vi., 528.  
Mass.  
Archives,  
cxiii., 147.

UPON READING THE REPORT of the Committee Appointed by the General Court at their Last Sessions referring unto two Necks of Land, the one Called Scanton neck, and the Other Shaume Neck lying within the Town of Sandwich

In Council

*Voted* an approbation and allowance of the Allotment and division made by the Inhabitants of the Town of Sandwich of the two Necks of Land ca'd Shaum and Scanton.

Read in the House of Representatives

*Voted* A Concurrence. [*Passed June 4,*<sup>1</sup> 1697.

## CHAPTER 9.

(Province Laws, VII., 153.)

VOTE APPOINTING CAPT. JONATHAN WELLS, AND OTHERS, A COMMITTEE, ON THE PETITION OF THE SELECTMEN OF HATFIELD FOR A SETTLEMENT OF THE NORTHERLY BOUNDS OF NORTHAMPTON, TO VIEW THE LINES AND HEAR THE PARTIES INTERESTED.

Legislative  
Records of the  
Council,  
vi., 534.  
Mass.  
Archives,  
cxiii., 146.

*Ante*, p. 677,  
chap. 42.

IN AN ANSWER TO THE PETITION of the Selectmen of Hatfield for Stating and Setling the Northerly bounds of the Town of Northampton upon an East, and West line, the Southerly bounds of the said Town of Hatfield depending thereupon

*Voted* That persons be appointed Viz<sup>t</sup> Capt. [Jonathan]<sup>2</sup> Wells Lt Samuel Root Mr Luke Hitchcock to hear the persons That each Towne shall appoint upon the place & to view the Lines and make Returne to this Court of what the difference is and what they judge requisite to be done, reference to be had to each Towns grant. [*Passed June 11,* 1697.

## CHAPTER 15.

(Province Laws, VII., 155.)

ORDER APPOINTING CAPT. JOHN BROWNE, AND OTHERS, A COMMITTEE TO RUN THE LINE BETWEEN REHOBOTH AND ATTLEBOROUGH, SETTING OFF THE ADDITIONAL GRANT OF ONE MILE AND A HALF, MADE BY THE COURT OF PLYMOUTH COLONY, THE CHARGE TO BE EQUALLY BORNE BY SAID TOWNS.

Legislative  
Records of the  
Council,  
vi., 538.  
Mass.  
Archives,  
cxiii., 149.

Mass.  
Archives,  
cxiii., 148.

UPON READING THE PETITION of the Selectmen of the Town of Rehoboth Praying that some meet persons may be Authorized by this Court for running the line, and renewing the Bounds between the said Town and the Town of Attleborough to Prevent any Contentions in Law between the said Towns concerning the same.

*Ordered* That Cap<sup>ne</sup> John Browne Cap<sup>ne</sup> Tho. Leonard Lt John Ware be & are appointed and Impoured a Committee to run the

<sup>1</sup> This date is June 2 according to Legislative Records of the Council.

<sup>2</sup> Province Laws, vii., 8.



Line betwixt the Towns of Rehoboth and Attleborough by seting off the additional Grant of a mile & halfe made by the Court of Plymouth unto the s<sup>d</sup> Town of Rehoboth according to the tenour and true intent of s<sup>d</sup> Grant and to make return of their doings therein unto the next Session of this Court, the charge to be equally born by the s<sup>d</sup> Towns. [*Passed June 17, 1697.*]

Plymouth  
Colony  
Records,  
iv., 185.  
*Ante*, p. 674,  
chap. 7.

## CHAPTER 27.

(Province Laws, VII., 160.)

VOTE APPOINTING CAPT. THOMAS LEONARD, AND OTHERS, A COMMITTEE TO RUN THE LINES BETWEEN FREETOWN AND TIVERTON, AND TO MAKE REPORT OF THEIR DOINGS UNTO THE NEXT SESSION.

UPON READING THE PET<sup>CON</sup> of Freetown [for the settlement of its bounds with Tiverton]<sup>1</sup>

*Vot<sup>d</sup>* That Cap<sup>ne</sup> Tho: Leonard, together with Four other uninterested persons to be respectively named by the Selectmen of each of the s<sup>d</sup> Towns forthwith two for each Town be and are appointed & Impowered a Committee to run and state the Lines of the boundarys between the said two Town's according to their several purchases and Court Grants and to make Report of their doings therein unto the next Session of this Court. [*Passed September 10,*<sup>2</sup> *1697.*]

Legislative  
Records of the  
Council,  
vi., 546.  
Mass.  
Archives,  
cxiii., 158.

Mass.  
Archives,  
cxiii., 157.

## CHAPTER 29.

(Province Laws, VII., 160.)

VOTE APPROVING AND CONFIRMING THE BOUNDARY LINE BETWEEN REHOBOTH AND ATTLEBOROUGH REPORTED BY THE COMMITTEE APPOINTED TO RUN THE SAME.

WHERE AS the Great & Generall Court or Assembly for his Majesties province of the Massachusetts bay in new England begun and held at Boston upon Wednesday the 26th of may 1697 in the ninth year of his Majesties Reign: ordered that we the subscribers, are by said order appointed and Impowred a Committee to run the Line between the Towns of Rehoboth and Attleborough by setting off[f] the Additionall Grant of a mile and halfe made by the Court of Plimouth unto the Town of Rehoboth, And to make return of our doings unto the next Sessions of said Court. We having met together at Rehoboth on the seventh day of July 1697 notification of our said meeting being given unto the select men of both said Towns, And the Select men of Each of said Towns met with us when began our work at said meeting and went with us a considerable time And we then set off[f] a mile and halfe (on the north-erly side) from the ancient bounds of the Township of Rehoboth shewed us by Capt. Peck and other Inhabitants of Rehoboth agreeing with the Records, the line being carried by one of us and another of our appointment and the tally kept by our selves. And From the Extent of said mile and halfe we ran on a line parrallel with the line of the old Township of said Rehoboth, westward, which line ran northward of the dwelling house of Lieut. Joseph Brown, and so by marked trees unto a marked black oak tree standing by the Edg of the place called and Known by the name

Legislative  
Records of the  
Council,  
vi., 547.  
Mass.  
Archives,  
cxiii., 153.

*Ante*, p. 682,  
chap. 15.

<sup>1</sup> Mass. Archives, cxiii., 157.

<sup>2</sup> This date is September 9 according to Legislative Records of the Council.



of the west plain near Pautucket river. And from the Extent of said mile & halfe we ran Eastward on a parrallell line with said old Towns bounds From a stake with a heap of stones about it to a marked tree on birch hill being a poplar tree, and from thence to a marked white oak tree in David Freemans Land marked with R on the East and west sides, from thence by marked trees to a great Chesnut tree on the east side of the seven mile river, from thence by marked trees to a marked tree near a rock, near the south east corner of Nicholas Ide's Land, from thence by marked trees to a crooked black oak tree marked and standing on a great Rock, From there to a marked white oak on the top of a hill of Rocks, from thence to a marked white oak on the east side of the Rhode that leads from the place called the wolfe bridge, and said tree is marked with R on the south side and A on the north side From thence to a chesnut tree marked on four sides standing by a chesnut hill compassed in with low swampy land, from thence by Ranging marked trees through a great boggy swamp to a great beech tree on the east side of said swamp marked with A on the north and R on the south, and from thence by ranging trees to a red oak tree marked with A on the north and R on the south and a heap of stones about it standing on a high Ridg between two swamps, and so by marked trees to the bounds of the north purchase of Taunton, as witness our hands July the tenth, 1697.

JOHN BROWN  
THOMAS LEONARD  
JN<sup>o</sup> WARE.

In Council

Read approved and confirmed

Read in the House of Representatives, With a Concurrence.

[*Passed September 10, 1697.*]

## CHAPTER 37.

(Province Laws, VII., 164.)

VOTE APPOINTING A HEARING ON THE PETITION OF THOMAS HINCKLEY, PRAYING THAT TWO HUNDRED ACRES OF LAND NEAR SECONET MAY BE LAID OUT TO HIM ACCORDING TO A FORMER GRANT, AND FOR NOTIFYING THE ADVERSE PARTIES THEREOF.

UPON READING THE PETITION of M<sup>r</sup> Thomas Hinckley of Barnstable praying to be heard upon his Petition preferred unto the General Court in June 1695, for the laying out and instating him in Two hundred Acres of Land lying at or about Seconett, granted to him by the General Court of New plimouth

*Vol<sup>d</sup>* The day for hearing to be y<sup>e</sup> first Friday after y<sup>e</sup> next Sitting of the Gen<sup>l</sup> Court, and the Proprietors [or] Claimers of the Lands to be notified thereof. [*Passed October 19, 1697.*]

Legislative  
Records of the  
Council,  
vi., 554.  
Mass.  
Archives,  
xlv., 242.

Mass.  
Archives,  
xlv., 222-224,  
231, 232.  
*Ante*, p. 673.  
chap. 2.



## CHAPTER 40.

(Province Laws, VII., 165.)

VOTE ALLOWING AND CONFIRMING TO THE HEIRS OF CAPT. RICHARD BEERS THREE HUNDRED ACRES OF LAND ADJOINING THE TOWN OF MARLBOROUGH, IN SATISFACTION OF A GRANT OF THE GENERAL COURT TO SAID BEERS, MAY 24, 1682, FOR HIS PUBLIC SERVICES IN THE WAR, AND THAT A MORE AMPLE CONFIRMATION BE MADE IN DUE FORM.

UPON READING THE PETITION of Elizabeth Beers Relict Widow, and Administratrix to the Estate of Capt Richard Beers late of Watertown deceased Praying a Confirmation of a former Grant of the General Court of the late Massachusetts Colony Anno 1682 of three hundred Acres of Land unto the s<sup>d</sup> Capt Beers, in Consideration of His Public Service in the War, now Surveyed and laid out by John Bridgeham, Adjoining to the Town of Marlborough

*Voted*, That the Tract of Land Surveyed and laid out by John Brigham as in the Platt annexed be and hereby is allowed and Confirmed unto the heires of Cap<sup>ne</sup> Richard Beers dece<sup>d</sup> in Satisfaction of the General Courts Grant the 24<sup>th</sup> of May, 1682, provided it be free from all prior Grants And that a more ample Confirmation be made to them their heires and assignes for ever in due form. [*Passed October 22,*<sup>1</sup> 1697.

Legislative  
Records of the  
Council,  
vi., 554.  
Mass.  
Archives,  
xiv., 240.  
Mass.  
Archives,  
xlv., 237-241;  
Maps and  
Plans, 3d  
series, xxxii.,  
18. Mass. Bay  
Records,  
v., 359.

## CHAPTER 44.

(Province Laws, VII., 167.)

VOTE ENFORCING THE ORDER OF SEPTEMBER 10, 1697, STATING THE LINES BETWEEN FREETOWN AND TIVERTON.

FORASMUCH as the Selectmen of Tiverton omitted to choose any persons on behalfe of their Town [to Joyne with those Named by Freetown, & Captain Thomas Leonard Nominated by this Court, a Comitte to run, and State the Lines of the Boundaries between the s<sup>d</sup> two Towns Pursuant to an Order of this Court at their Session in September last having had but Short Notice thereof]<sup>2</sup>

*Voted* That the former Order be and hereby is enforced and Report to be made unto the next Session of the General Court. [*Passed October 26,* 1697.

Legislative  
Records of the  
Council,  
vi., 559.  
Mass.  
Archives,  
cxiii., 159a.  
Mass.  
Archives,  
cxiii., 159.  
*Ante*, p. 683,  
chap. 27.

## CHAPTER 63.

(Province Laws, VII., 174.)

VOTE CONTINUING THE HEARING ON THE PETITION OF THOMAS HINCKLEY, PRAYING THAT TWO HUNDRED ACRES OF LAND NEAR SECONET MAY BE LAID OUT TO HIM ACCORDING TO A FORMER GRANT, AND FOR NOTIFYING THE ADVERSE PARTIES THEREOF.

*Voted*, That whereas the time for hearing Mr Thomas Hinckly on his petition to this Court is now elapsed That the First Tuesday in the Next Sessions of the Generall Court shall be appointed for hearing the same, and that the partys concerned be notified thereof. [*Passed December 18,* 1697.

Legislative  
Records of the  
Council,  
vi., 569.  
Mass.  
Archives,  
xl., 497.

*Ante*, p. 684,  
chap. 37.

<sup>1</sup> This date is October 19 according to Legislative Records of the Council.

<sup>2</sup> Inserted from Legislative Records of the Council, vi., 559.



## CHAPTER 4.

(Province Laws, VII., 184.)

ORDER APPOINTING MAJ. JAMES CONVERSE, AND OTHERS, A COMMITTEE, AT THE EXPENSE OF THE INHABITANTS OF FRAMINGHAM, TO EXAMINE AND REPORT UPON THE EXPEDIENCY OF MAKING IT A TOWNSHIP, AND TO NOTIFY SUDBURY, MARLBOROUGH AND SHERBORN OF THE TIME OF THEIR MEETING.

Legislative  
Records of the  
Council,  
vi., 582.  
Mass.  
Archives,  
cxiii., 192.

Mass.  
Archives,  
cxiii., 191.

In the House of Representatives

In Answer to the petition or motion of Peter Clayes and John Ems for settling y<sup>e</sup> bounds of Framlingham and making them a Township

*Ordered*, That Maj<sup>r</sup> James Converse Lt Jonathan Prescott and Mr Thomas How be nominated & impowered a Committee to View those Lands; and y<sup>e</sup> accomodations thereof for the ends proposed; and make Report to the Next sitting of the Generall Assembly; and Framlingham to pay the charges herein expended; and y<sup>t</sup> y<sup>e</sup> Committee do signefy the time of their meeting, to the Townes of Marlborough Sudbury and Sherbourn.

Read in Council and Concurred. [*Passed June 2, 1698.*]

## CHAPTER 8.

(Province Laws, VII., 185.)

ORDER FURTHER CONTINUING THE HEARING ON THE PETITION OF THOMAS HINCKLEY FOR CONFIRMATION OF A FORMER GRANT OF LAND NEAR SECONET.

Legislative  
Records of the  
Council,  
vi., 586.

*Ante*, p. 685,  
chap. 63.

UPON THE MOTION of Mr Thomas Hinckley, and excuse made for his not Attending, at this Session According to Appointment for the hearing of a Case depending between him, and the Proprietors of the Lands, at, and about Seconet

*Ordered* That the hearing of that Matter be Continued, and Referred, unto the next Sessions of the General Assembly [*Passed June 8, 1698.*]

## CHAPTER 12.

(Province Laws, VII., 187.)

RESOLVE AND ORDER PERMITTING THE INHABITANTS ON THE WEST SIDE OF STONY BROOK, IN WATERTOWN, TO CALL AND SETTLE A MINISTER, AND ESTABLISHING THEM AS A SEPARATE PRECINCT.

Legislative  
Records of the  
Council,  
vi., 591.

*Ante*, p. 681,  
chap. 1.

UPON READING THE REPORT of a Committee of this Court upon the Petition of the Inhabitants of the West End of the Town of Watertown Praying to be a Distinct Precinct for the Setting up the public Worship of God among themselves

*Resolved*, and *Ordered* That the Petitioners be, and hereby are permitted, and Allowed to invite, procure, and Settle, a learned and Orthodox Minister to dispense the Word of God unto them at the West End of the said Town of Watertown Viz<sup>t</sup> the farmers and Inhabitants living on the West Side of Stony brooke, And y<sup>t</sup> for that purpose they be a distinct, and Seperate Precinct, and



their Bounds to extend from Charles River to Stony Brook Bridge, the Brook being the Bounds From said Bridge Containing all the farne Lands to Concord Line, and from thence all Watertown Bounds to their Utmost Southward Bounds, and so Westward And that all the Present Inhabitants on the West Side of Stony Brook Aforesaid together with Such as shall from time to time Settle among them, have Liberty to Convene together to Advise, Agree upon, and take Such Methods as may be Suitable, and Convenient for the procuring, Encouraging, Setling, and Support of a Minister qualified as Aforesaid, and for the building, and finishing of a Meeting house according as shall be determined by a Major Vote, And Also to Nominate, and Appoint, a Committee of three or More persons amongst themselves to transact, and Manage that Affair And all the Inhabitants, and Estates, under their Improvement lying on the West Side of Stony Brook, or Within the Precincts Aforementioned, shall Stand Charg'd towards building of the Meeting House, the Settlement, and Support of the Ministry in said place in Manner as the Law relating to the Maintenance, and Support of Ministers doth direct, and provide, and be Assessed thereto proportionably by two or More Assessors, as shall from time to time be elected, and appointed by the Major part of the said Inhabitants for that purpose, who may also Nominate, and Appoint a Collector together, and pay in the Same as by Warrant or Order, under the Hands of Such Assessors he shall be directed, and Ordered. [*Passed June 14, 1698.*]

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## CHAPTER 13.

(Province Laws, VII., 187.)

RESOLVE APPOINTING A HEARING, ON THE PETITION OF THE INHABITANTS OF SALEM VILLAGE FOR SETTLING THEIR BOUNDS WITH TOPSFIELD, AT THE NEXT SESSION, AND FOR NOTIFYING TOPSFIELD TO ATTEND.

UPON READING A PETITION on behalf of the Inhabitants of Salem Village, relating to a Difference between the said Village, & the Town of Topsfield, about Claim of Lands, having been long Contested in Law, Praying that a Committee may be Appointed to enquire, and Settle the Bounds betwixt them

Legislative  
Records of the  
Council,  
vi., 592.  
Mass.  
Archives,  
cxiii., 190.

*Resolved* That Topsfeild be Notified to attend the first fryday of the Next sessions at two Clock in y<sup>e</sup> afternoone Topsfield first to be notified. [*Passed June 14, 1698.*]

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## CHAPTER 34.

(Province Laws, VII., 196.)

RESOLVE REFUSING THE PRAYER OF THE INHABITANTS OF SALEM VILLAGE FOR THE APPOINTMENT OF A COMMITTEE TO SETTLE THE BOUNDS BETWEEN SAID VILLAGE AND TOPSFIELD, THEY BEING BUT PART OF SALEM WHOSE INHABITANTS MAKE NO APPLICATION FOR THE SAME.

THE TOWN OF TOPSFIELD being Notified to attend this day to shew cause (if any they have) why a Committee should not be appointed to enquire & settle the bounds betwixt Salem Village and that Town, according as is prayed for by the said Village. And

Legislative  
Records of the  
Council,  
vi., 606.  
Mass.  
Archives,  
cxiii., 199.



Mass.  
Archives,  
cxiii., 183-185.  
*Ante*, p. 687,  
chap. 13.

persons appearing both on behalfe of Topsfield and the Village, and being heard by the whole Court.

*Resolved*, That no appointment be of a Committee as is desired the Inhabitants of the Town of Salem (whereof the Village is but a part) making no Application for the Same. [*Passed November 23,*<sup>1</sup> 1698.

## CHAPTER 35.

(Province Laws, VII., 197.)

VOTE GRANTING THREE HUNDRED ACRES OF VACANT LAND TO WILLIAM HABBERFIELD OF BOSTON AS A REWARD FOR HIS INSTRUCTING MANY PERSONS IN THE ART OF CLOTH-WORKING.

Legislative  
Records of the  
Council,  
vi., 608.  
Mass.  
Archives,  
lix., 234.

Mass.  
Archives,  
xiv., 243-245;  
lix., 235, 236.

*Voted* That there be granted unto William Habberfield of Boston Clothier in consideration of his good service in promoting and instructing many persons in the Trade and Mystery of Clothworking, to the advantage of the Publick three hundred acres of vacant Land within this Province where it may be taken up in any place not heretofore granted and that a survey and Platt thereof be made & returned to this Court for confirmation. [*Passed November 23,* 1698.

## CHAPTER 39.

(Province Laws, VII., 198.)

ORDER APPOINTING CAPT. JOHN BROWNE, AND OTHERS, A COMMITTEE, AT THE EXPENSE OF THE PROPRIETORS OF DARTMOUTH, TO INQUIRE INTO THE GRANTS AND INDIAN PURCHASES, AFFECTING THE BOUNDARY LINES BETWEEN DARTMOUTH, LITTLE COMPTON AND TIVERTON, AND DIRECTING THEM TO NOTIFY THE SELECTMEN OF LITTLE COMPTON AND TIVERTON OF THE TIME AND PLACE OF THEIR MEETING.

Legislative  
Records of the  
Council,  
vi., 610.

Mass.  
Archives,  
lxxxi., 173;  
cxiii., 161-166.

*Ordered* That Capt John Browne, Capt Thomas Leonard and Mr Samuel Peck be, and are hereby Appointed, a Committee to enquire into the grants of the Court, and Indian Purchases relating to the Bounds of Dartmouth, with their Lines between them, Little Compton, and Tiverton, Capt Browne to Appoint time, and place of Meeting, and that the Select men of Little Compton, and Tiverton be Notified thereof that they may be present if they see Cause. The proprietors of Dartmouth to Defrey, and pay the Charge of the Committee And the said Committee to take in the Accompts of the Charge of each of said Towns Attendance, And to Bring in the Same together with their Return to be made unto the next Session of the General Assembly. [*Passed November 25, 1698.*

<sup>1</sup> This date is November 18 according to Legislative Records of the Council.



## CHAPTER 42.

(Province Laws, VII., 199.)

ORDER APPOINTING CAPT. JOSEPH MORSE, AND OTHERS, A COMMITTEE TO VIEW AND INQUIRE INTO LAND BETWEEN MARLBOROUGH, SHERBORN, AND WOOLSON'S FARM, CLAIMED BY JOSEPH ROBINSON, AN INDIAN, AT THE CHARGE OF THOMAS HOW OF MARLBOROUGH, PROSPECTIVE PURCHASER.

*Ordered* That Cap<sup>t</sup> [Joseph]<sup>1</sup> Morse of Sherborne, Samuel Brigham of Marlborô and Thomas Woolson of Watertown be and hereby are appointed a Committee to view a parcel of Land lying betwixt the bounds of Marlborough Sherborne and Woolsons Farme belonging to an Indian named Joseph Robinson (as is said) and to inquire into the Indian Claim thereto, and to report the Same unto the next Session of this Court. And that all the Charges of s<sup>d</sup> Committee be defreyed by M<sup>r</sup> Thomas How of Marlborough, he petitioning to have Licence to purchase s<sup>d</sup> Land of the s<sup>d</sup> Indian. [*Passed November 29,<sup>2</sup> 1698.*]

Legislative  
Records of the  
Council,  
vi., 613.  
Mass.  
Archives,  
xiv., 252.

## CHAPTER 44.

(Province Laws, VII., 199.)

ORDER APPOINTING ELISHA HUTCHINSON, ESQ., AND OTHERS, A COMMITTEE TO EXAMINE INTO THE QUANTITY AND CIRCUMSTANCES OF THE TRACT OF LAND CALLED NASHOBA, AND FOR LAYING OUT IN SAID TRACT THE ONE THOUSAND ACRES GRANTED TO SIR HENRY ASHHURST.

IN ANSWER UNTO THE PETITION of M<sup>r</sup> Joseph Easterbrooke and M<sup>r</sup> Thomas Clarke with several other Inhabitants of the Towns of Concord and Chelmsford, Praying the Grant of a Tract of Land for a Township, comonly called Nashoba, lying near unto the s<sup>d</sup> Towns of Concord and Chelmsford.

*Ordered* That Elisha Hutchinson Esq<sup>r</sup> Maj<sup>r</sup> James Converse and Cap<sup>t</sup> Jonathan Danforth be and are hereby appointed a Committee to examin into the quantity and circumstances of the s<sup>d</sup> Land and to make return to this Court at their Session in May next

And That S<sup>r</sup> Henry Ashhurst have his Grant of one thousand acres laid out in this Tract if free. [*Passed November 29,<sup>2</sup> 1698.*]

Legislative  
Records of the  
Council,  
vi., 614.  
Mass.  
Archives,  
cxiii., 244.

Mass.  
Archives,  
cxiii., 193.  
*Ante*, p. 676,  
chap. 33.

## CHAPTER 52.

(Province Laws, VII., 202.)

ORDER REFERRING TO THE NEXT SESSION THE PETITION OF THE SELECTMEN OF BOXFORD, PRAYING THAT THE FARMS OF ENDICOTT AND GOLD MAY BE THERE ASSESSED FOR MINISTERIAL RATES AND OTHER CHARGES, AND DIRECTING THAT THE TOWN OF TOPSFIELD BE NOTIFIED THEREOF.

UPON READING THE PETITION of the Selectmen of Boxford, praying that M<sup>r</sup> Endecots, and Capt Gold's Farmes (belonging as they Alledge to their Town) hitherto paying publick Charges to Tops-

Legislative  
Records of the  
Council,  
vi., 620.

<sup>1</sup> Province Laws, vii., 213.

<sup>2</sup> This date is according to Legislative Records of the Council, as Mass. Archives has none.



field, may be discharged therefrom, and bear Charges to Boxford towards Support of the Ministry there, and Other Charges

*Ordered* That the said Petition be referred unto the next Session of the General Court, And that Topsfield be Notified thereof [*Passed December 7, 1698.*]

## CHAPTER 55.

(Province Laws, VII., 203.)

RESOLVE DECLARING THAT THE CLAIM OF THOMAS HINCKLEY AGAINST THE PROPRIETORS OF LANDS IN SECONET IS A MATTER PROPER FOR THE JUDICIAL COURTS, AND THAT THERE BE NO FURTHER HEARING OF THE SAID CAUSE IN THIS COURT.

Legislative  
Records of the  
Council,  
vi., 607.  
Mass.  
Archives,  
xlv., 249.

Mass.  
Archives,  
xlv., 248.  
*Ante*, p. 686,  
chap. 8.

M<sup>r</sup> THOMAS HINCKLEY haveing a Petition lying before the Court relating to his claim to a Quantity of Land lying at Saconet in the County of Bristol, refered unto this Session. Nath<sup>s</sup> Thomas Esq<sup>r</sup> appearing on behalfe of the Proprietors of the Lands at Saconet, and Objecting against a hearing before this Court, Title of Land being in Question; which lyes at the common Law. On Consideration whereof.

*Resolved*, That there be no further hearing of the said cause in this Court. [*Passed December 8,<sup>1</sup> 1698.*]

## CHAPTER 8.

(Province Laws, VII., 218.)

RESOLVE GRANTING LICENSE TO THOMAS HOW OF MARLBOROUGH TO PURCHASE OF JOSEPH ROBINSON, AN INDIAN, A TRACT OF LAND LYING BETWEEN MARLBOROUGH, SHERBORN AND WOOLSON'S FARM.

Legislative  
Records of the  
Council,  
vii., 35.  
Mass.  
Archives,  
xlv., 251.

*Ante*, p. 689,  
chap. 42.

WHEREAS upon the Petition of Thomas How of Marlborough for Licence to purchase a parcel of Land of an Indian Named Joseph Robinson, lying betwixt the Bounds of Marlborough, Sherborne, and Woolsons Farme, A Committee was Appointed by the General Assembly at their Session begun the 15<sup>th</sup> day of November last to View the S<sup>d</sup> Land, and to enquire into the Indian Claim thereto, Who have reported that they Judge the s<sup>d</sup> parcel of Land to Contain about Forty five Acres, And that According to Information given them the s<sup>d</sup> Joseph Robinson hath a good Claim to the Same

*Resolved* that M<sup>r</sup> Thomas How of Marlborough have Licence given him to Purchase the Land which he Petitioned leave to purchase of an Indian called Joseph Robinson aboves<sup>d</sup>. [*Passed July 14, 1699.*]

<sup>1</sup> This date is November 22 according to Legislative Records of the Council.



## CHAPTER 29.

(Province Laws, VII., 226.)

RESOLVE AND ORDER APPOINTING MAJ. JOHN HIGGINSON, AND OTHERS, A COMMITTEE TO DETERMINE UPON A LINE DIVIDING WATERTOWN INTO TWO SEPARATE PRECINCTS, PROPOSE A SUM TO BE PAID BY THE INHABITANTS OF THE EASTERLY END OF SAID TOWN TOWARDS THE CHARGE OF BUILDING THE NEW MEETING-HOUSE AT THE WESTERLY END, TO REPORT AT THE NEXT SESSION OF THIS COURT; ALL ACTIONS, SUITS AND QUARRELS TO CEASE IN THE INTERIM.

THE RESOLVE AND ORDER appointing a Committee to State and Settle a Line for Setting forth Precincts to the two Meeting houses in Watertown, past Yesterday by the Board, and Sent down to the Representatives, being concurred w<sup>th</sup> by that house, was again Sent up, Which is in the Words following Vizt.

In Order to the Speedy Composing and Issuing of the unhappy differences and contests, which the Inhabitants of Watertown have long been labouring under referring to their Meeting houses, being now two distinct Congregations, and no prospect of their present uniting.

*Resolved & Ordered*, That Major John Higginson m<sup>r</sup> Elizur Holyoke and m<sup>r</sup> Daniel Oliver Be and hereby are nominated appointed, and Empoured a Committee to repair unto the s<sup>d</sup> Town and upon view of the Situation of the two several Meeting houses, to State and Settle a line or boundary, for the setting forth of distinct and separte Precincts for each of the same; And also upon consideration of all circumstances to propose what Sum they shall apprehend just and Equal to be paid by the Inhabitants of the Easterly End or Precinct unto the Inhabitants of the West End, towards their charges in Building the new meeting house and to make their Report unto this Court at their next Session, That a final Settlement may be ordered, and due provision made for the Support of the Ministers of the s<sup>d</sup> several Congregations: Major Higginson to appoint the time for meeting. And all actions Suits and Quarrels are to cease in the interim. [*Passed July 20, 1699.*]

Legislative  
Records of the  
Council,  
vii., 45.  
Mass.  
Archives,  
xi., 137.  
Mass.  
Archives,  
xi., 133.  
*Ante*, p. 686,  
chap. 12.

## CHAPTER 30.

(Province Laws, VII., 226.)

RESOLVE AND ORDER IN ADDITION TO AND FOR FURTHER EXPLAINING THE ORDER RELATING TO THE DISTINCT AND SEPARATE PRECINCT AT THE WESTERLY END OF WATERTOWN COMMONLY KNOWN AS THE FARMS.

WHEREAS there happens a dispute referring to the lines Set in the Order of the General Court begun the 25<sup>th</sup> of May 1698 For a distinct and Seperate Precinct at the Westerly End of Watertown commonly known by the name of the Farmes.

In Addition unto and for further Explanation of the s<sup>d</sup> order, It is *Resolved and Ordered* That the Bounds of s<sup>d</sup> Precinct shall extend from Charles River to Stoney brooke Bridge and from s<sup>d</sup> Bridge up the Brooke Northerly to Ro: Harringtons Farm, the brook to be the boundary, including the s<sup>d</sup> Farm, and comprehending all the Farmes and Farm Lands to the Lines of Cambridge and Concord, and from thence all Watertown Lands to their utmost Southward & Westward bounds.

And all the Inhabitants, as well as Lands within the bounds of

Legislative  
Records of the  
Council,  
vii., 46.  
Mass.  
Archives,  
xi., 139.  
*Ante*, p. 686,  
chap. 12.



said Precinct are and for ever hereafter shall be freed from all Rates Assessments and payments towards the charge of Building or repairing any house or houses for the publick worship of God, and maintenance of the ministry in any other part or Precinct within the said Town. [*Passed July 20, 1699.*]

## CHAPTER 36.

(Province Laws, VII., 229.)

ORDER APPOINTING A HEARING UPON THE PETITION OF BERWICK TO BE SET OFF FROM KITTERY AS A TOWNSHIP AND FOR NOTIFYING KITTERY OF THE SAME.

Legislative  
Records of the  
Council,  
vii., 59.

ON A PETITION of the Inhabitants of the Upper part of Kittery Called Barwick, praying that they may be made a Township distinct from Kittery

Mass.  
Archives,  
iii., 394-396;  
xi., 125, 127.

*Ordered* That the said petition be referred to Consideration at the next General Assembly, And that the Town of Kittery be Notified there of, to give in their Objection against granting of what is petitioned for, if ought they have to Say. [*Passed March 20, 1699*[-1700].]

## CHAPTER 37.

(Province Laws, VII., 229.)

RESOLVE GRANTING A HEARING ON THE PETITION OF NEWTON TO BE SET OFF FROM CAMBRIDGE AND EXEMPTED FROM CONTRIBUTING TOWARDS THE MAINTENANCE OF CAMBRIDGE BRIDGE.

Legislative  
Records of the  
Council,  
vii., 63.

ON A PETITION of the Inhabitants of Newton, Praying to be freed from the Town of Cambridge, and that they may not Stand under Obligation, any further to Contribute towards Cambridge Bridge &c

*Resolved* That in Answer to said Petition, the Town of Newton have a hearing upon the Matter Contained therein before this Court Some time the next Session thereof. [*Passed March 22, 1699*[-1700].]

## CHAPTER 49.

(Province Laws, VII., 232.)

ORDER APPOINTING, ON PETITION OF THE INDIANS OF TIVERTON, CAPT. THOMAS LEONARD, AND OTHERS, A COMMITTEE TO INQUIRE INTO THE QUANTITY, LOCATION AND PRICE OF LANDS PROPOSED TO BE PURCHASED FOR THEIR ACCOMMODATION.

Legislative  
Records of the  
Council,  
vii., 66.  
Mass.  
Archives,  
xxx., 454.

IN ANSWER TO THE PETITION [of the Indians of Tiverton].

*Ordered* That Capt<sup>t</sup> Thomas Leonard, Maj<sup>r</sup> Benjamin Church & Mr Ebenezar Brenton be and are App<sup>ted</sup> a Co<sup>m</sup>ittee to Inquire and Inform themselves, what Quantity of Land is needfull for the Accomodaton of the Petitioners what Part of the Land Propos'd by s<sup>d</sup> Maj<sup>r</sup> Church to be Purchased for them is most Convenient for that end, To Discourse with the Owners of such s<sup>d</sup> Land concerning the Price It may be obtained for, And to make Report to this Court at the next session thereof. [*Passed March 23, 1699*[-1700].]

Mass.  
Archives,  
xxx., 453.



## CHAPTER 52.

(Province Laws, VII., 233.)

RESOLVE POSTPONING ACTION ON THE REPORT OF THE COMMITTEE APPOINTED TO SET OFF TWO PRECINCTS IN WATERTOWN UNTO THE NEXT SESSION AND FOR CONTINUING IN FORCE THE FORMER ORDER.

THE REPORT of the Committee Appointed for the Setting forth of Distinct And Seperate Precincts to the two Meeting Houses in Watertown &c was Sent up from the House of Representatives with their Concurrence to the resolve of this Board thereon, passed Yesterday Viz<sup>t</sup>;

*Resolved* That the Consideration of the said Report be referred unto the next General Assembly, And the former Order to remain in force in the interim, That all Actions, Suits and Controversies relating to the Meeting houses or Ministry in the said Town do Cease [*Passed March 23, 1699*[-1700].

Legislative  
Records of the  
Council,  
vii., 67.

Mass.  
Archives,  
xi., 154.

Legislative  
Records of the  
Council,  
vii., 62.  
*Ante*, p. 691,  
chap. 29.

## CHAPTER 2.

(Province Laws, VII., 242.)

RESOLVE APPOINTING JOHN PYNCHON, ESQ., AND OTHERS, A COMMITTEE TO TREAT WITH COMMISSIONERS FROM CONNECTICUT RESPECTING THE LINE AND BOUNDARIES BETWIXT THE SAID COLONY AND THIS PROVINCE.

In Council.

*Resolved* That John Pynchon, Elisha Cooke Elisha Hutchinson Esq<sup>rs</sup> and m<sup>r</sup> Treasurer [James]<sup>1</sup> Taylor, be a Committee to joyn with a Committee of the house of Representatives to treat with the Commissioners sent from the Government of his Ma<sup>ties</sup> Colony of Connecticut with reference to the Line and boundaries betwixt the said Colony and this Province, & to Informe themselves how far the said Commissioners are Impowred in that behalfe, and to receive Proposals from them, and to make their Report thereon unto this Court at their present Session.

Col<sup>o</sup> Pynchon to be chairman of said Committee and to appoint time and place for meeting

House of Representatives Read and

*Voted* That Thomas Hinckley Esq<sup>r</sup> Capt Tim<sup>o</sup> Clark and Cap<sup>t</sup> Stephen French be a Committee to join with John Pynchon, Elisha Cook, Elisha Hutchinson Esq<sup>rs</sup> and M<sup>r</sup> Treasurer Tayler appointed a Committee by the Council for the affair aboves<sup>d</sup>. [*Passed June 4, 1700.*

Legislative  
Records of the  
Council,  
vii., 79.

Mass.  
Archives,  
ii., 258a.

*Ante*, p. 674,  
chap. 3.

## CHAPTER 3.

(Province Laws, VII., 242.)

RESOLVE APPOINTING A HEARING ON THE PETITION OF NEWTON RESPECTING ITS SEPARATION FROM CAMBRIDGE AND THE MAINTENANCE OF CAMBRIDGE BRIDGE, AND FOR NOTIFYING CAMBRIDGE THEREOF.

*Resolved*, That the Town of Newton be heard upon the matter set forth in their Pet<sup>con</sup> presented at the last Session [to be set off from Cambridge and exempted from contributing towards the

Legislative  
Records of the  
Council,  
vii., 79.  
Mass.

<sup>1</sup> *Ante*, p. 674, chap. 3.



Archives,  
xi., 635.  
*Ante*, p. 692,  
chap. 37.

maintenance of Cambridge bridge]<sup>1</sup> (and refer'd to this Court for a hearing) upon Tuesday the 11<sup>th</sup> of June instant, in the forenoon of the same day And that the Town of Cambridge be Notified thereof. [*Passed June 4, 1700.*]

## CHAPTER 5.

(Province Laws, VII., 243.)

ORDER REFERRING TO THE NEXT SESSION THE PETITION OF THE INHABITANTS OF BERWICK TO BE MADE A TOWNSHIP AND FOR NOTIFYING THE TOWN OF KITTERY.

Legislative  
Records of the  
Council,  
vii., 83.

Mass.  
Archives,  
iii., 394-396.  
*Ante*, p. 692,  
chap. 36.

ON A PETITION of the Inhabitants of Barwick, the upper part of the Town of Kittery, praying that they may be made a Township distinct from Kittery, was Sent up from the Representatives with the following Order of the House thereupon Viz;

*Ordered* That the said petition be referred to Consideration at the next Session of the General Assembly, and that the Town of Kittery be Notified thereof to give in their Objections against granting of what is petitioned for if ought they have to Say [*Passed June 7, 1700.*]

## CHAPTER 7.

(Province Laws, VII., 243.)

ORDER DIRECTING ELISHA HUTCHINSON TO PROCURE A PLAT OF SIX HUNDRED ACRES OF LAND, TO INCLUDE THE THREE HUNDRED ACRES GRANTED TO HIS FATHER, CAPT. EDWARD HUTCHINSON, IN 1674, AND TO LAY THE SAME BEFORE THE GENERAL ASSEMBLY FOR FURTHER CONFIRMATION.

Legislative  
Records of the  
Council,  
vii., 85.

Mass.  
Archives,  
Maps and  
Plans, 3d  
series, iv., 10.  
Mass. Bay  
Records, v., 7.

ON A PETITION of Elisha Hutchinson Esq<sup>r</sup> Setting forth That the General Court of the late Colony of the Massachusetts Bay in the Year 1674 did grant unto Capt Edward Hutchinson the Petitioners Father three Hundred Acres of Land for a Farme in any free place, who Soon after lost his Life in the Country's Service, And that the said land has never yet been laid out, And praying that the said Order may be revived on his Behalf, with Such further Addition as by the Court shall be thought Convenient, was read at the Board

*Ordered* That the Petitioner procure the said three hundred Acres of Land granted as Afores<sup>d</sup> to his Father, with an Addition there unto of three hundred Acres more to be laid out by an Allowed Sworn Surveyor, in Some free place, and a platt thereof to be made, and laid before the General Assembly for further Confirmation. [*Passed June 8, 1700.*]

<sup>1</sup> *Ante*, p. 692, chap. 37.



## CHAPTER 9.

(Province Laws, VII., 244.)

RESOLVE REJECTING THE PROPOSALS MADE BY THE COMMISSIONERS FROM CONNECTICUT, RESPECTING THE BOUNDARY LINE WITH SAID COLONY, AND FOR REVIVING THE COMMITTEE APPOINTED TO TREAT WITH SAID COMMISSIONERS.

UPON DEBATE about the proposal made by the Commissioners from the Government of Connecticut Colony referring to the Boundaries between this province and that Colony

*Resolved*, That it cannot be accepted And that the former Committee be revived further to treat with y<sup>e</sup> Commissioners from Connecticut. [*Passed June 10, 1700.*]

Legislative  
Records of the  
Council,  
vii., 86.  
Mass.  
Archives,  
ii., 259.

*Ante*, p. 693,  
chap. 2.

## CHAPTER 10.

(Province Laws, VII., 244.)

ORDER DIRECTING WILLIAM WHITING OF HARTFORD TO PROCURE A PLAT OF ONE THOUSAND ACRES OF LAND GRANTED TO HIS FATHER, IN BEHALF OF HIMSELF AND THE REST OF THE CHILDREN OF MR. WILLIAM WHITING, SOMETIME OF HARTFORD, AND TO PRESENT IT AT THE NEXT SESSION FOR CONFIRMATION.

Legislative  
Records of the  
Council,  
vii., 87.  
Mass.  
Archives,  
xiv., 254.

[UPON THE PETITION of William Whiting of Hartford, Gent<sup>n</sup>, Eldest Son of the Rev. John Whiting, deceased, who in behalf of himself and the rest of the children of Mr. William Whiting, deceased, was granted 1,000 acres of land by the General Court at their Session of the 15th of October 1684, which was never laid out asking that same may be laid out.]

*Ordered* That the Petitioner procure A Sworn allowed Surveyer to lay out the thousand Acres of Land formerly granted to his Father (in behalfe of himselfe and the rest of the Children of m<sup>r</sup> William Whiting sometime of Hartford, Grandfather to the Petitioner) in any free place, and to present a Plat thereof unto this Court, at their next Session for Confirmation. [*Passed June 11, 1700.*]

Mass.  
Archives,  
xiv., 253.  
Legislative  
Records of the  
Council,  
vii., 83.  
Mass.  
Archives,  
Maps and  
Plans, 3d  
series, iv., 1.  
Mass. Bay  
Records, v.,  
455.

## CHAPTER 12.

(Province Laws, VII., 244.)

RESOLVE REJECTING THE PROPOSALS OF THE COMMISSIONERS FROM CONNECTICUT AS TO THE BOUNDARY WITH SAID COLONY AND MAKING ANOTHER PROPOSAL TO ADJUST THE DIFFERENCES BETWIXT THE TWO GOVERNMENTS.

WHEREAS y<sup>e</sup> Committees appointed by this Court to meet with the Commission<sup>rs</sup> sent from y<sup>e</sup> Government of his Maj<sup>ty</sup>s Colony of Connecticut, referring to the adjustment of y<sup>e</sup> Line of the Boundary betwixt y<sup>e</sup> Two Governments, & to see their Credentials & receive Proposals from them thereabout, have reported that y<sup>e</sup> said Commission<sup>rs</sup> are fully & amply Impowered to Negotiate that affair & received a first & Second Proposeal from them relating thereto: which upon Perusal this Court cannot see reason to comply with. Yet being Desirous that a final issue may be put to all former Disputes and Contests & Considering the Concession

Legislative  
Records of the  
Council,  
vii., 90.  
Mass.  
Archives,  
iii., 75.

Mass.  
Archives,  
iii., 76.  
*Supra*,  
chap. 9.



formerly made by the Gen<sup>l</sup> Court of the late Colony of y<sup>e</sup> Massachusetts Bay at their Sessions in the month of May in y<sup>e</sup> year 1672 unto the Gov<sup>r</sup>m<sup>t</sup> of Connecticut in favour of their ancient Town of Windsor, so as that Gov<sup>r</sup>ment should accept thereof, & appoint some Persons to run the Line accordingly with Maj<sup>r</sup> Pynchon appointed by the Gov<sup>r</sup>m<sup>t</sup> of the Massachusetts, before the Winter thence next following, as appears of Record, which they have not hitherto accepted, nor attended the said Condition, Whereby they cannot now Make challenge to the same, Eight & Twenty Years being over-past & the Gov<sup>r</sup>m<sup>t</sup> of the Massachusetts, after some years expecting to receive their answer haveing since made several Grants of Land Comprehended within the Lines Proposed by the said Concession

Nevertheless this Court to manifest their readiness and Willingness to put an end to all former Disputes & Differences betwixt the Two Gov<sup>r</sup>m<sup>ts</sup> & for an amicable compliance with their good neighbours & fellow subjects of Connecticut, & for the accommodating of their Town of Windsor, do Concede

That the South Line of y<sup>e</sup> Town of Suffield within this Province be continued so far as to reach the full extent of 16 Miles from Connecticut river due West, & from thence to run South to the line of this Province as it was antiently run & that from Connecticut river the line be run due East 8 miles upon y<sup>e</sup> Town of Enfield's South line, & from thence a line to be run due South to the antient line of this Province, about 48 years since run & set out by Nath<sup>l</sup> Woodward & Solomon Saffery skilful & approved artists All y<sup>e</sup> Lands contained between the beforemention'd lines of Suffield & Enfield, & the South returns from those lines so continued as above, to be & rem<sup>a</sup> unto y<sup>e</sup> Towns of Windsor and Simsbury Provided Notwithstanding, if it appear that the Grant of the Town of Woodstock or any oth<sup>r</sup> Grant to any Partic<sup>l</sup> p<sup>r</sup>son or p<sup>r</sup>sons heretofore made by the Gov<sup>r</sup>m<sup>t</sup> of the Massachusetts do extend unto the Southw<sup>d</sup> of the line as now proposed betwixt the Gov<sup>r</sup>m<sup>ts</sup> such Grants respectively shall be held & enjoy'd to them unto Whom y<sup>e</sup> same Were made, or such as legally derive from y<sup>m</sup> without any molest<sup>n</sup> Trouble or claim thereto to be made or given by y<sup>e</sup> Gov<sup>r</sup>m<sup>t</sup> of Connecticut, or any that shall pretend thereto by Grant from y<sup>m</sup> Provided also, y<sup>t</sup> the Iron ore or myne lying at or near y<sup>e</sup> bounds of Suffield shall be free for y<sup>e</sup> use of Iron Works that are or shall be erected by the Inhabitants of either Gov<sup>r</sup>m<sup>t</sup> respectively, without any Controul or restraint

Provided also y<sup>t</sup> this Concession shall by no ways or means howsoever be construed, Improved or taken in any case to draw into question, or any ways to prejudice the Indubitable right to the line as antiently run & stated betwixt y<sup>e</sup> Gov<sup>r</sup>mn<sup>ts</sup> unless the afores<sup>d</sup> Commiss<sup>rs</sup> from the Gov<sup>r</sup>m<sup>t</sup> of Connecticut shall now accept & agree to this concession & proposal & y<sup>e</sup> meet p<sup>r</sup>sons be appointed by y<sup>t</sup> Gov<sup>r</sup>m<sup>t</sup> to joyn with such as shall be named & appointed by this Gov<sup>r</sup>m<sup>t</sup> to run the line accordingly as is herein proposed, at or before the last day of April next, & timely notice be given to this Gov<sup>r</sup>m<sup>t</sup>

*Resolv'd* y<sup>t</sup> this Proposal be offered unto the Commiss<sup>rs</sup> from Connecticut as an Adjustm<sup>t</sup> of y<sup>e</sup> difference ab<sup>t</sup> the Boundary betwixt y<sup>e</sup> Two Gov<sup>r</sup>m<sup>ts</sup>. [*Passed June 13, 1700.*]



## CHAPTER 13.

(Province Laws, VII., 244.)

RESOLVE APPOINTING A HEARING UPON THE PETITION OF FRAMINGHAM TO BE MADE A TOWNSHIP, AND FOR NOTIFYING SHERBORN THEREOF.

Legislative  
Records of the  
Council,  
vii., 92.

*Resolved* That the Inhabitants of Framingham be heard upon their petition to be made a Town, upon Wednesday the 19<sup>th</sup> of June instant, post Meridiem And that the Town of Sherborne be Notified thereof. [*Passed June 13, 1700.*]

Mass.  
Archives,  
cxiii., 228.  
*Ante*, p. 686,  
chap. 4.

## CHAPTER 16.

(Province Laws, VII., 245.)

RESOLVE APPOINTING A HEARING ON THE PETITION OF THOMAS HINCKLEY PRAYING THAT TWO HUNDRED ACRES OF LAND NEAR SECONET MAY BE LAID OUT TO HIM ACCORDING TO A FORMER GRANT FROM THE GOVERNMENT OF NEW PLYMOUTH, AND FOR NOTIFYING THE PROPRIETORS OF SECONET, *ALIAS* LITTLE COMPTON.

Legislative  
Records of the  
Council,  
vii., 93.  
Mass.  
Archives,  
xiv., 263.

*Resolved*, That m<sup>r</sup> Thomas Hinckley be heard upon his Petition upon Tuesday the 25<sup>th</sup> current And that the Proprietors of the Lands lying at Seconet al<sup>a</sup> Little Compton be Notified to attend by themselves or Agents to answer him relating to his claim to two hundred acres of Land (part of Tatamunnah<sup>a</sup> One Thousand acres) granted him by the Government of New Plymouth. [*Passed June 14, 1700.*]

Plymouth  
Colony  
Records,  
vi., 44.  
*Ante*, p. 690,  
chap. 53.

## CHAPTER 17.

(Province Laws, VII., 245.)

VOTE APPOINTING CAPT. THOMAS OLIVER, AND OTHERS, A COMMITTEE TO SETTLE THE BOUNDARY LINE BETWEEN DEDHAM AND NATICK, AND TO MAKE REPORT OF THEIR DOINGS AT THIS OR THE NEXT SESSION.

IN ANSW<sup>R</sup> TO THE PETITION of y<sup>e</sup> Towns of Dedham and Natick. It is the opinion of the Co<sup>m</sup>itte that there be a Co<sup>m</sup>itte Chosen of five Indifferent men of the neighbouring Townes and Impowered to go and run the Lines and Settle y<sup>e</sup> bounds betwixt y<sup>e</sup> s<sup>d</sup> Towns of Dedham and Natick as y<sup>e</sup> Generall Court hath formerly Stated y<sup>e</sup> Same, and to make there report of theire doings therein to this Sessions of this Court if it may be, otherwise to y<sup>e</sup> next Sessions of this Court.

Legislative  
Records of the  
Council,  
vii., 94.  
Mass.  
Archives,  
xxx., 457.

*Voted* That Cap<sup>t</sup> Thomas Oliver of Cambridge, M<sup>r</sup> Joseph Sherman, of Watertown, M<sup>r</sup> Thomas Sawin of Natick, Cap<sup>t</sup> Isaac Williams, of Newton, and M<sup>r</sup> Sam<sup>l</sup> Aspinwall of Muddy-River be a Co<sup>m</sup>ittee for the affair afores<sup>d</sup> and to make Report of their doings therein if it may be to the present session of this Court, and if not to the next session of the Same. [*Passed June 15, 1700.*]

Mass. Bay  
Records, iv.,  
part 1, 408.



## CHAPTER 19.

(Province Laws, VII., 246.)

VOTE CONFIRMING AN ORDER OF THE GENERAL COURT OF THE LATE PLYMOUTH COLONY FOR SEPARATING THE CHURCH AND SOCIETY UPON THE NORTH RIVER IN SCITUATE FROM THE LOWER SOCIETY IN SAID TOWN, AND ERECTING THEM INTO A PRECINCT.

Legislative  
Records of the  
Council,  
vii., 97.  
Mass.  
Archives,  
xi., 144.

Mass.  
Archives,  
xi., 145.  
Plymouth  
Colony  
Records,  
vi., 31, 37.

ON A PETITION of the Church, and Society upon the North River in Scituate, Setting forth That the General Court of the Late Colony of plymouth in the Year 1680 did give full power to the said Society that they might rate themselves distinct from the Lower Society for Maintainance of the Ministry, and Defreying all other Necessary Charges for encouragement and Support of the Work of God amongst them, And praying a Confirmation of the said Order

[*Voted*] In Considera<sup>ti</sup>on that whereas there hath been a Settlement of y<sup>e</sup> boundaries or Extent of the Subsisters and Supporters of the ministry of the upper and Lower Societys therein mentioned, w<sup>th</sup> y<sup>e</sup> Execeptions therein Expressed, by the Generall Court of Plimouth Colony as appears of Record. It is the opinion of y<sup>e</sup> Co<sup>m</sup>itte that there be for the future a full Compliance with Said Settlement in y<sup>e</sup> severall articles and Conclusions thereof, by both Societies And that y<sup>e</sup> Successors of y<sup>e</sup> Severall p<sup>er</sup>sons therein ordered and Concluded to pay for y<sup>e</sup> support of y<sup>e</sup> ministry in said respective Societies Do for y<sup>e</sup> future pay as their predecessors did, unless both said societies do mutually agree to proceed other wise respecting the p<sup>er</sup>misses. [*Passed June 17, 1700.*]

## CHAPTER 20.

(Province Laws, VII., 246.)

VOTE CONTINUING THE COMMITTEE APPOINTED ON THE PETITION OF JOSEPH ESTABROOK, AND OTHERS, FOR A GRANT OF LAND AT NASHOBA FOR A TOWNSHIP, AND THE GRANT OF ONE THOUSAND ACRES TO SIR HENRY ASHHURST, TO REPORT AT THE NEXT SESSION.

Legislative  
Records of the  
Council,  
vii., 98.  
Mass.  
Archives,  
cxiii., 245.

*Ante*, p. 689,  
chap. 44.

*Voted* That the Co<sup>m</sup>ittee mentioned [in a Resolve of November 29, 1698, referring to Nashoba and the grant to Sir Henry Ashhurst]<sup>1</sup> Continue a Co<sup>m</sup>ittee for the affair to which they are app<sup>o</sup>inted And that Maj<sup>r</sup> Jonathan Tyng Esq<sup>r</sup> be added to S<sup>d</sup> Co<sup>m</sup>ittee, And they or any three of them to make Report to the next session of this Court [*Passed June 17, 1700.*]

<sup>1</sup> See *Ante*, p. 689, chap. 44.



## CHAPTER 21.

(Province Laws, VII., 247.)

VOTE APPOINTING CAPT. JOHN BURRILL, AND OTHERS, A COMMITTEE, ON PETITION OF BOXFORD, TO VIEW MR. ENDICOTT'S AND CAPT. GOLD'S FARM IN SAID TOWN, NOW PAYING RATES AND DUTIES TO TOPSFIELD, THE BOUNDS BETWEEN SAID TOWNS, AND TO REPORT UPON THEIR BEING RETURNED TO BOXFORD.

ON A PETITION of the Town of Boxford praying That Mr Endicots and Cap<sup>t</sup> Golds Farmes lying within the S<sup>d</sup> Township, formerly ordered to pay rates and Duty's to the Town of Topsfield, may be returned unto Boxford,

[Voted] That Cap<sup>t</sup> John Burril [Burrill],<sup>1</sup> Cap<sup>t</sup> John Brown and Mr Nehemiah Jewett be a Committee to go upon the place and view the Farmes mentioned in the S<sup>d</sup> Petition, and the Lines between the bounds of Boxford and Topsfield, and make report to the next Session of this Court, of their doings. [Passed June 17, 1700.]

Legislative  
Records of the  
Council, of  
vii., 98.  
Mass.  
Archives,  
cxiii., 241.

Ante, p. 689,  
chap. 52.

## CHAPTER 24.

(Province Laws, VII., 247.)

RESOLVE ACCEPTING THE REPORT OF THE COMMITTEE APPOINTED TO RUN AND STATE THE BOUNDARIES BETWEEN FREETOWN AND TIVERTON AND ESTABLISHING THE SAME AS THEREIN EXPRESSED AND SET FORTH.

A REPORT of the Committee formerly Appointed to run and State the Lines of the Boundaries between the Towns of Freetown, and Tivertown, was presented and laid before the Board, in the Words following Viz<sup>t</sup>

To all to whom these presents shall Come, or may Concern, Know Yee, That whereas at a General Court held at Boston the eighth day of September, Anno Dom<sup>i</sup> 1697 In Answer to the petition of Sundry the Inhabitants, and proprietors of Freetown, It was Ordered by said Court, That Thomas Leonard Esq<sup>r</sup> together with four other persons respectively chosen, Viz two of them by the Selectmen of said Freetown, and Other two by the Selectmen of Tiverton, as a Committee should run, and State the Lines of the Boundaries between said Towns &c, And make Report to said Court of their doings therein at the next Session &c.

In Pursuance of s<sup>d</sup> Order the Selectmen of Freetown, having made Choice of Samuel Blake and John Spurr both of Taunton, and the Selectmen of Tiverton having made Choice of Caleb Arnold of Portsmouth, and Samuel Sprague of Marshfield to Joine with said Thomas Leonard in performance of said Order, And in further pursuance of s<sup>d</sup> Court Order the Abovenamed persons on the 14<sup>th</sup> of December 1697 being together on s<sup>d</sup> Lands, and having heard the Sayings, and Allegations of the Agents of the Selectmen of both s<sup>d</sup> Towns, and read and Considered the Deeds, Records, Copies, Files, and Writings of Both, have thereby come to Understand that what was prayed for in said petition was done by the Agents of s<sup>d</sup> Freetown, proprietors for many Years now past, who then set their own Bounds to their then Satisfaction, as by their Several Subscriptions may, and doth on Record Appear, Since which time the late General Court of Plymouth hath made Sale of the Lands now called Tiverton, to Sundry persons And have

Legislative  
Records of the  
Council,  
vii., 99.  
Mass.  
Archives,  
cxiii., 249.

Mass.  
Archives,  
cxiii., 246-249.  
Ante, p. 683,  
chap. 27,  
p. 685, chap. 44.

<sup>1</sup> Mass. Archives, cxiii., 414.



bounded them on said Boundaries, which are as followeth Viz<sup>t</sup>; Beginning near the Falls at a Clift Rock, and thence ranging east South East into the Woods, Which Line we proved, or tryed by a Compass and found divers marked Trees in said Range, and from said Rock by said Falls or River downward to Taunton River, According as formerly said to be done by the Agents of said ancient Freemen, [*sic*] Which Boundaries the said Committee See no Reason to Alter but rather to establish, and Confirme by these presents as a perpetual Bounds between said Towns, And In Testimony of what is Above written, the Abovenamed Co<sup>m</sup>mittee on the said 14<sup>th</sup> day of December have here unto Subscribed Tho<sup>s</sup> Leonard, Sam Sprague, Caleb Arnold, Samuel Blake, John Spurr

*Resolved* That the Report . . . be accepted. And That the Boundaries therein expressed and set forth, be the Setled Bounds between the Towns of Freetown and Tiverton. [*Passed June 17, 1700.*]

## CHAPTER 25.

(Province Laws, VII., 248.)

VOTE APPOINTING COL. ELISHA HUTCHINSON, AND OTHERS, A COMMITTEE, ON THE PETITION OF BILLERICA, TO VIEW AND SETTLE THE BOUNDARY LINES BETWEEN SAID TOWN, BLOODS' FARMS, CONCORD AND CHELMSFORD.

IN ANSWER TO THE PETITION [of the Town of Billerica]

*Voted* That Coll: Elisha Hutchinson Esq<sup>r</sup> Maj<sup>r</sup> James Converse Capt Benjamin Garfield & Maj<sup>r</sup> Jonathan Tyng, or any three of them be a Co<sup>m</sup>mittee to view and settle the lines between the Town of Billerica, & the farms of John & Robert Blood, and the Line between s<sup>d</sup> Town and the Towns of Concord and Chelmsford [*Passed June 20, 1700.*]

Legislative  
Records of the  
Council,  
vii., 103.  
Mass.  
Archives,  
cxiii., 218.

Mass.  
Archives,  
cxiii., 217.  
*Ante*, p. 672,  
chap. 45.

## CHAPTER 27.

(Province Laws, VII., 248.)

RESOLVE FOR APPOINTING A COMMITTEE TO ASCERTAIN THE SOUTHERNMOST PART OF CHARLES RIVER AND OF ANY AND EVERY PART THEREOF, AND TO FIND THE SOUTHERN LINE OF THE LATE COLONY OF THE MASSACHUSETTS BAY AS IT WAS RUN BY NATHANIEL WOODWARD AND SOLOMON SAFFERY IN 1642.

FORASMUCH as the Commission<sup>rs</sup> from his Maj<sup>ties</sup> Government of Connecticut Colony have not thought fit to accept the Proposals offered them by this Court relating to an accomodation of the differences between the two Governments about boundaries.

*Resolved*, That some meet persons be appointed by his Exc<sup>y</sup> and Council to find the South[e]rmost part of Charles River and of any and every part thereof As also to Endeavour to find the Southern line of the late Colony of the Massachusetts Bay, as anciently run by Nathaniel Woodward and Solomon Saffery [*i.e.*, 1642].<sup>1</sup> And to make their Report to the General Assembly [of] this Province. [*Passed June 21, 1700.*]

Legislative  
Records of the  
Council,  
vii., 105.  
Mass.  
Archives,  
iii., 77.

*Ante*, p. 695,  
chap. 12.

<sup>1</sup> Massachusetts Archives, Maps and Plans, 3d series, vol. xxxiv., p. 15.



## CHAPTER 29.

(Province Laws, VII., 249.)

RESOLVE APPOINTING A HEARING ON THE PETITIONS OF THE INHABITANTS OF WATERTOWN AND DIRECTING THE SELECTMEN TO NOTIFY THE INHABITANTS OF THE MIDDLE PART AND EASTERLY END OF SAID TOWN THAT THEY MAY BE REPRESENTED BY THREE OR FOUR OF THEIR PRINCIPAL INHABITANTS.

*Resolved*, That the Inhabitants of Watertown be heard upon their two several Petitions presented to this Court, on Wednesday next the 26<sup>th</sup> current, at three of the Clock afternoon, And that the Selectmen take care timely to notify the Inhabitants of the Middle part of s<sup>d</sup> Town And of the Easterly End thereof, That they respectively appoint three or four of the principal Inhabitants within Each of the afores<sup>d</sup> parts of s<sup>d</sup> Town then to attend. [*Passed June 22, 1700.*]

Legislative  
Records of the  
Council,  
vii., 107.  
Mass.  
Archives,  
cxiii., 284.

*Ante*, p. 693,  
chap. 52.

## CHAPTER 30.

(Province Laws, VII., 249.)

VOTE DIRECTING JOHN WADE TO TAKE A PLAT OF A PLACE THAT IS CLEAR OF ALL FORMER GRANTS IN ORDER THAT EIGHT HUNDRED ACRES OF SAME MAY BE CONFIRMED TO HIM IN RIGHT OF HIS GRANDFATHER JONATHAN WADE OF IPSWICH.

ON THE PETITION of John Wade Son of Thomas Wade the Son of Jonathan Wade of Ipswich Dece<sup>d</sup>ed,

[*Voted*] That the Petition<sup>r</sup> looke-out aplace that is free and Clear of all former grants and take aplatt thereof and p<sup>s</sup>ent the Same to this Court in order to a Confirmation of Eight hundred acres thereof to the petition<sup>r</sup> in full of y<sup>e</sup> former grants of y<sup>e</sup> Generall Court. [*Passed June 22, 1700.*]

Legislative  
Records of the  
Council,  
vii., 108.  
Mass.  
Archives,  
xiv., 260.

Mass.  
Archives,  
xiv., 258-261.  
Mass. Bay  
Records,  
iii., 180, 271;  
iv., part I, 97;  
iv., part II, 14.

## CHAPTER 32.

(Province Laws, VII., 249.)

ORDER ERECTING THE PLANTATION CALLED FRAMINGHAM INTO A TOWNSHIP OF THE SAME NAME, SAVING UNTO SHERBORN ALL RIGHTS IN LAND GRANTED BY THE GENERAL COURT OR PURCHASED FROM THE INDIANS.

UPON A FULL HEARING of the matters in Difference between the Town of Sherborn, and the Inhabitants of the Plantation of Framingham, containing all that Tract of Land formerly granted to Thomas Danforth Esq<sup>r</sup> next adjoining to Sherborn upon the North & Northerly

*Ordered*, That the said Plantation called Framingham be from henceforth a Township, retaining the name of Framingham, and have and Enjoy all priviledges of a Town according to Law. Saving unto Sherborn all their rights of Land granted by the General Court to the first Inhabitants & those since purchased by Exchange with the Indians of Natick or otherwise, And all the Farmes lying within the said Township according to former Grants of the General Court. [*Passed June 24,*<sup>1</sup> 1700.

Legislative  
Records of the  
Council,  
vii., 110.  
Mass.  
Archives,  
cxiii., 229.

Legislative  
Records of the  
Council,  
vii., 106.  
*Ante*, p. 697,  
chap. 13.

<sup>1</sup> This date is June 25 according to Legislative Records of the Council.



## CHAPTER 33.

(Province Laws, VII., 250.)

ORDER REVIVING THE COMMITTEE APPOINTED TO RUN THE LINES BETWEEN DEDHAM, NATICK, &c., AND DIRECTING THEM TO HAVE REGARD TO THE REPORT OF THE COMMITTEE ON SAME IN MAY, 1663, AND THE PLAT OF RICHARD ELLIS, SURVEYOR.

Legislative  
Records of the  
Council, vii.,  
113.  
Mass.  
Archives,  
cxiii., 253.

Mass. Bay  
Records, iv.,  
part ii., 49, 69.

WHEREAS Cap<sup>t</sup> Thomas Oliver, Cap<sup>t</sup> Isaac Williams, Mr Joseph Sherman, Mr Thomas Sawin, and Mr Sam<sup>ll</sup> Aspinwall, app<sup>ted</sup> a Committee by this Court in the present session thereof, to run the lines between the Towns of Dedham and Natick &c. have made Report that they have made Some Progresse in s<sup>d</sup> affair, but want further Direction from this Court for finishing the Same.

*Ordered* That the Committee afores<sup>d</sup> be revived, and Directed to Proceed to perfect the work afores<sup>d</sup> Committed to them, and therein have regard to the Report of the Committee (app<sup>ted</sup> by the Gen<sup>ll</sup> Court to State the Bounds between S<sup>d</sup> Town of Dedham and Natick) made in May 1663. And to the Platt of Dedham Lands, on the North side of Charles River, drawn out by Richard Ellis Survey<sup>r</sup>, and to make Report of their doings therein to the next session of this Court. [*Passed June 26, 1700.*]

## CHAPTER 35.

(Province Laws, VII., 250.)

ORDER APPOINTING MAJ. BENJAMIN CHURCH, AND OTHERS, A COMMITTEE TO SELECT LANDS FOR THE ACCOMMODATION OF THE INDIANS OF TIVERTON, AND TO REPORT AT THE NEXT SESSION.

Legislative  
Records of the  
Council, vii.,  
118.  
Mass.  
Archives,  
xxx., 458.

*Ante*, p. 692,  
chap. 49.

WHEREAS diverse Indians residing in and about the Town of Tiverton did the last session of this Court Petition for Land to be Granted to them for their Compact Settlem<sup>t</sup> &c.

*Ordered* That Maj<sup>r</sup> Benj<sup>s</sup> Church, Mr Ebenezer Brenton, & Cap<sup>t</sup> Thomas Leonard be a Committee to Inquire after and view a certain Neck of Land lying between Two Ponds in or near S<sup>d</sup> Town of Tiverton, Said to be accomodable for the end afores<sup>d</sup> or any other suitable land, To Inform themselves at what Rate It may be Purchased, and to make Report of their Doings therein to the next session of this Court. [*Passed June 29, 1700.*]

## CHAPTER 37.

(Province Laws, VII., 251.)

VOTE ANNEXING TO MARLBOROUGH CERTAIN LANDS BOUNDED PARTLY BY STOW, FORMERLY RESERVED FOR AN INDIAN PLANTATION.

Legislative  
Records of the  
Council, vii.,  
121.  
Mass.  
Archives,  
cxiii., 220.

Mass.  
Archives,  
cxiii., 219.

IN ANSWER TO THE PETITION [of the town of Marlborough]  
It is the Opinion of the Committee that the severall Farms and Lands therein mentioned, being formerly Reserved, and set out by a Committee app<sup>ted</sup> by the Gen<sup>ll</sup> Court, for an Indian-Plantation, which lands are bounded partly by the line of the Town of Stow, partly by Mr Alcok's Farm, and for the greater part by the Line



of S<sup>d</sup> Town of Marlborough. be laid to s<sup>d</sup> Town of Marlborough, and to share henceforward in Duty and Priviledge with them as part of Said Town.

In the House of Representatives  
Read and Pass'd and Sent up for Concurrence.

In Council Read and  
Voted a concurrence. [*Passed July 2, 1700.*]

## CHAPTER 38.

(Province Laws, VII., 251.)

ORDER ANNEXING DAVID RICE, THOMAS DRURY, AND OTHER FARMERS, LYING BETWIXT COCHITAWICK POND AND FRAMINGHAM, TO SAID TOWN.

ON A PETITION of Thomas Drury, David Rice, and Several Others of the Farmers Adjacent to Sudbury, praying that they may be laid to the Town of Framingham, was read at the Board, And in Answer there to

*Ordered*, That the Pet<sup>rs</sup> and other the Farmers lying betwixt the North end of Cochitawick Pond and the Line of Framingham be laid and annexed to the Township of Framingham and enjoy all imunities and priviledges with other the Inhabitants of s<sup>d</sup> Town. And they and their Estates to be liable to bear a proportion of Charge in the s<sup>d</sup> Town. [*Passed July 5, 1700.*]

Legislative  
Records of the  
Council,  
vii., 123.  
Mass.  
Archives,  
cxiii., 231.

Mass.  
Archives,  
cxiii., 230-233.  
*Ante*, p. 701,  
chap. 32.

## CHAPTER 51.

(Province Laws, VII., 257.)

RESOLVE AND ORDER FOR EXPLANATION OF THE ORDER RELATING TO FRAMINGHAM, AND ANNEXING THERETO ALL THE LANDS IN SHERBORN WHICH, IN 1679, BELONGING TO THOMAS DANFORTH WERE EXCEPTED IN THE CONFIRMATION OF THE TOWNSHIP OF SHERBORN, AND DIRECTING THE INHABITANTS OF FRAMINGHAM TO CONVENE AND ASSEMBLE AT THEIR MEETING HOUSE ON THE FIRST TUESDAY IN AUGUST NEXT TO MAKE CHOICE OF SELECTMEN AND OTHER TOWN OFFICERS TO SERVE UNTIL MARCH NEXT.

FOR EXPLANATION OF THE ORDER relating to Framingham  
*Resolved & Ordered* That all the Lands belonging to Thomas Danforth Esq<sup>r</sup> as well by Purchase as Court Grant at the time of setting the Town of sherborne in May 1679 and excepted in the Courts confirmation of the Township of sherborne, be and belong unto Framingham. And

That the Inhabitants of s<sup>d</sup> Town of Framingham do convene and assemble at their Meeting house on the first Tuesday in August next and then and there make choice of selectmen and other Town Officers to serve until March next. At which time the Law appoints the choice of Town Officers. [*Passed July 11, 1700.*]

Legislative  
Records of the  
Council,  
vii., 133.  
Mass.  
Archives,  
cxiii., 238.

Mass.  
Archives,  
cxiii., 234-238;  
Maps and  
Plans, 3d  
series, xxxiv.,  
20. Mass.  
Bay Records,  
v., 229.  
*Ante*, p. 701,  
chap. 32.



## CHAPTER 66.

(Province Laws, VII., 267.)

ORDER APPOINTING A HEARING OF THE NATICK INDIANS ON THE DIFFERENCE BETWEEN THEM AND DEDHAM, AND FOR NOTIFYING DEDHAM AND NATICK.

Legislative  
Records of the  
Council,  
vii., 148.

*Ante*, p. 697,  
chap. 17

ON THE PROPOSALS of the Committee Appointed by this Court to run the Lines, and Settle the Bounds between the Towns of Dedham, and Natick that the said Towns have a hearing before the General Assembly

*Ordered* That the Indians of Natick be heard upon the Matters in Difference between them and Dedham, and that the Towns of Natick and Dedham be Notified to Attend Accordingly on the 2<sup>d</sup> Wednesday the next Session of this Court. [*Passed February 18, 1700*[-1].

## CHAPTER 67.

(Province Laws, VII., 267.)

ORDER APPOINTING A HEARING ON THE PETITION OF THE AGENTS OF THE ANCIENT AND FIRST CHURCH OR CONGREGATION IN SCITUATE FOR A RECONSIDERATION OF A RESOLVE LATELY PASSED, AND FOR NOTIFYING BENJAMIN STUTSON, THE AGENT OF THE OTHER SOCIETY.

Legislative  
Records of the  
Council,  
vii., 151.

*Ante*, p. 698,  
chap. 19.

ON THE PETITION of David Jacobs, and Joseph Otis Agents on Behalf of the Ancient, and first Church or Congregation in the Town of Situate [for a reconsideration of a resolve passed June 17th last]<sup>1</sup>

[*Ordered*] That the Consideration of the Matter of the said Petition, be referred to a hearing upon the Second Wednesday of the next Session of this Court, and that the Petitioners Notify Capt Benjamin Stutson thereof, who appeared on behalf of the other Society. [*Passed February 21, 1700*[-1].

## CHAPTER 73.

(Province Laws, VII., 269.)

RESOLVE FOR APPOINTING A COMMITTEE TO RECEIVE AND EXAMINE THE CLAIMS OF THE PROPRIETORS, AND SUCH AS SHALL CHALLENGE PROPRIETY, TO THE LANDS LYING EASTWARD OF WELLS, LAID WASTE BY THE LATE WAR.

Legislative  
Records of the  
Council,  
vii., 160.  
Mass.  
Archives,  
iii., 396.

*Resolved* That a proper Committee be appointed to receive and Examine the claims of all Proprietors of Lands, and of such as challenge propriety in any of the Lands lying within this Province to the Eastward of the Town of Wells, laid waste by the late War, In order to the preventing of Suits and controversys that otherwise might arise thereabout, and for the better directing of the regular Settlement thereof.

The said Committee to cause publication to be made of the times and places when and where they shall appoint to Sit for that end. And to make Report of their doings unto the next Gen<sup>l</sup> Assembly. [*Passed February 28,*<sup>2</sup> 1700[-1].

<sup>1</sup> *Ante*, p. 698, chap. 19.

<sup>2</sup> This date is March 4 according to Legislative Records of the Council.



## CHAPTER 74.

(Province Laws, VII., 269.)

RESOLVE REFERRING TO THE NEXT SESSION THE PETITION OF THE INHABITANTS OF BERWICK TO BE MADE A TOWNSHIP.

RICHARD BRYER Agent of the Town of Kittery, Appeared this Day According to a Notification Sent to the said Town of a petition presented at the last Session of this Court, by the Inhabitants of Barwick the upper precinct of said Town, praying to be granted a Township of themselves And Offered Sevrall Objections, and reasons against the granting of said petition

*Resolved*, That the Consideration of that Matter be referred to the next Session of the General Assembly. [*Passed March 5, 1700*[-1].

Legislative  
Records of the  
Council,  
vii., 162.

*Ante*, p. 694,  
chap. 5.

## CHAPTER 75.

(Province Laws, VII., 269.)

RESOLVE NOMINATING AND APPOINTING SAMUEL SEWALL, ESQ., AND OTHERS, A COMMITTEE ON CLAIMS TO LANDS EASTWARD OF WELLS.

In Council

*Resolved*, That Samuel Sewall, John Walley E[liakim]<sup>1</sup> Hutchinson and N[athaniel]<sup>1</sup> Byfield, Esq<sup>rs</sup> be of the Committee [to receive and examine the claims to the lands lying Eastward of Wells]<sup>2</sup> with such others as shall be joyned to them by the Representatives

In the House of Representatives

*Resolved* a Concurrence & That Cap<sup>t</sup> Timothy Clark Capt Sam<sup>l</sup> Phipps & m<sup>r</sup> Isaiah Tay, be joyned with the Persons above nam'd to be a Comittee for the Affair within mentioned. [*Passed March 7, 1700*[-1].

Legislative  
Records of the  
Council,  
vii., 163.  
Mass.  
Archives,  
iii., 396.

*Ante*, p. 704,  
chap. 5.

## CHAPTER 76.

(Province Laws, VII., 270.)

RESOLVE, ORDER AND VOTE FOR COMPROMISING AND ISSUING THE DIFFERENCES RELATING TO THE SUPPORT OF THE MINISTRY IN THE MIDDLE AND EASTERLY PARTS OF WATERTOWN, AND THAT ALL ACTIONS, SUITS AND CONTROVERSIES RELATING TO THE SAME DO CEASE UNTIL THE SUBSCRIPTION IS ACCOMPLISHED.

FOR ACCOMODATING and Issuing the Difference relating to the Support of the Ministry in the middle and Easterly Parts of Watertown.

*Resolved & Ordered* That there be a Subscription throughout the whole Town of Watertown (the Farmers excepted) in order to the support of the Ministry in the old and new Meeting Houses.

That their Persons and Estates who subscribe for Support of the Ministry at the old meeting House be liable to be Assessed thereto and no where else: And That their Persons and Estates who Subscribe for support of the ministry at the middle Meeting-House, be liable to be Assessed thereto and no where else.

That such who refuse or neglect to subscribe to the Ministry at either Meeting House Shall be liable to Pay to the ministry of the

Legislative  
Records of the  
Council,  
vii., 164.  
Mass.  
Archives,  
xi., 154.

*Ante*, p. 704,  
chap. 29.

<sup>1</sup> Legislative Records of the Council, vii., 163.

<sup>2</sup> *Ante*, p. 704, chap. 73.



meeting house standing within the Bounds of the military Precinct where they Dwell.

That each society be Impowered to chuse a certain Number of men to Assess them, and those to be upon Oath.

That the severall subscribers shall Enter their names at or before the 20<sup>th</sup> of May next, before Samuel Hayman and Thomas Browne Esq<sup>rs</sup> two of his Ma<sup>ty's</sup> Justices within the County, said Justice Hayman to appoint the time and place in said Town to take the Subscriptions. Such of the Inhabitants as shall be prevented of Subscribing at the time or times so to be appointed as aforesaid, by reason of their being then out of Town or detained by Sickness, shall have liberty to Subscribe before the Town-Clerk, at any time before the Twentieth day of August next coming. That this Order Continue and Remain in force unto the end of Seven yeares next or untill the Inhabitants of both s<sup>d</sup> Parts of the Town Shall mutually agree to support the ministry in any other manner.

*Voted* That all Actions, Suits and Controversies relating to the Meeting Houses or ministry in the s<sup>d</sup> Town of Watertown do cease untill the Accomplishment of such subscriptions. [*Passed March 7, 1700*[-1].]

## CHAPTER 2.

(Province Laws, VII., 287.)

RESOLVE STATING THE DIVIDING LINE BETWEEN NORTHAMPTON AND WESTFIELD, TO INCLUDE A SMALL SLIP OF LAND BETWEEN SAID TOWNS, PROVIDED THAT THE RIGHT, TITLE OR DEMAND OF SPRINGFIELD, JOSEPH PARSONS, ESQ., AND SAMUEL COOPER OR ANY OTHER PERSON BE NOT THEREBY IMPEACHED OR PREJUDICED, ALSO RESERVING FOUR HUNDRED ACRES TO WILLIAM HUBBARD, WHO WAS WOUNDED IN THE KING'S SERVICE.

Legislative  
Records of the  
Council,  
vii., 192.

ON A PETITION of the Town of Northampton, and of the Town of Westfield in hampshire Setting forth, That the Precincts of said Towns Joine one upon another ruining upon an East and West Line from Connecticut River, till it extends near a great Rock called Webbs rock, and from thence Northhampton Bounds extends yet more Westward Adjacent with the Precincts of the Town of Westfield Aforesaid, And that there is a Small Slip of Land between said Towns, which their Bounds do not extend to, And praying that S<sup>d</sup> Vacant Land may be granted betwixt them that their Bounds may Joyne, And that the dividing Line betwixt said Towns may be Stated from Webbs Rock Aforesaid, and to run two points of the Compass from a West line more Northerly, and so to the Ends of their Bounds Viz<sup>t</sup> in all Nine Miles from Connecticut River as is Expressed in their first grant,

*Resolved* That the Prayer in the said Petition be granted Provided, That the right, Title or Demand of the Town of Springfield According at their Town Grant, or Agreem<sup>t</sup> with the Town of Northampton be not infringed, or y<sup>e</sup> right, Title or Demand of Joseph Parsons Esq<sup>r</sup> and Sam<sup>l</sup> Cooper, or of any Other person be not thereby impeached or Prejudiced, Also Reserving to William Hubbard four hundred Acres in any one Place of said Land, where said Hubbard Shall Choose it in Consideration of his being Wounded in his Maj<sup>ty's</sup> Service, Which is hereby granted to him, his heirs, and Assigns for ever. [*Passed June 4, 1701.*]



## CHAPTER 3.

(Province Laws, VII., 287.)

ORDER GRANTING A HEARING TO DEDHAM AND NATICK UPON THE DIFFERENCE BETWEEN THEM CONCERNING THEIR BOUNDS, SAID TOWNS TO BE NOTIFIED ACCORDINGLY.

*Ordered*

That an hearing be granted to the Towns of Dedham, and Natic upon the Difference between them Concerning the Bounds of said Towns, and Attended the next Wednesday, said Towns to be Notified Accordingly. [*Passed June 6, 1701.*]

Legislative  
Records of the  
Council,  
vii., 194.

Mass.  
Archives,  
cxiii., 260, 261.  
*Ante*, p. 704,  
chap. 66.

## CHAPTER 4.

(Province Laws, VII., 288.)

ORDER DEFERRING THE HEARING ON THE PETITION OF THE SELECTMEN OF BRADFORD RESPECTING THE BOUNDS BETWEEN SAID TOWN AND ROWLEY, AND THAT SAID TOWNS BE NOTIFIED THEREOF.

ON A PETITION of the Selectmen of the Town of Bradford in behalf of said Town referring to the Differences between the Same, and the Town of Rowley about their Limits, and Boundaries,

*Ordered* That the Hearing of this matter be Deferred till the Second Wednesday of the next session of this Court and That the Towns of Rowley and Bradford be Notified thereof That they may then and there appear in order to a final Settlement. [*Passed June 6, 1701.*]

Legislative  
Records of the  
Council,  
vii., 195.  
Mass.  
Archives,  
ccxliii., 8.

## CHAPTER 6.

(Province Laws, VII., 288.)

RESOLVE AND ORDER DEFINING THE BOUNDARY BETWEEN THE TWO PRECINCTS IN SCITUATE FOR THE SETTLEMENT AND SUPPORT OF THE MINISTRY UNTIL SUCH TIME AS THE SOCIETIES SHALL AGREE TO PROVIDE FOR SAME IN ANOTHER WAY.

FOR A FULL AND ORDERLY SETTLEMENT of y<sup>e</sup> difference among y<sup>e</sup> Inhabitants of y<sup>e</sup> Town of Scituate within y<sup>e</sup> County of Plimouth Respecting y<sup>e</sup> Settlement and Support of y<sup>e</sup> ministry and upholding y<sup>e</sup> worship of God in y<sup>e</sup> two Respective Congregations and Societies in s<sup>d</sup> Town

*Resolved and Ordered*, That y<sup>e</sup> Brooke Commonly Caled And known by y<sup>e</sup> Name of y<sup>e</sup> mill Brooke or first Herring Brooke (with y<sup>e</sup> Exceptions hereunder Expressed) be henceforth a Line for y<sup>e</sup> Deviding of y<sup>e</sup> S<sup>d</sup> Town into two distinct Precincts in manner following, (That is to Say) That all y<sup>e</sup> Ratable Inhabitants and Estate liveing lieing and being on y<sup>e</sup> Northerly side of y<sup>e</sup> Brooke afors<sup>d</sup> within S<sup>d</sup> Town, together with y<sup>e</sup> farms and tenements (Lying on y<sup>e</sup> Southerly Side of y<sup>e</sup> S<sup>d</sup> Brooke) whereon David Jacob Samuel Clap and Thomas Pinsen Sen<sup>r</sup> now dwel that is to say y<sup>e</sup> part of y<sup>e</sup> farm which was anciently Goeorg Russels and s<sup>d</sup> Jacob dwells upon and holds the fee simple off and y<sup>e</sup> persons and personal Estate of y<sup>e</sup> s<sup>d</sup> David Jacob Samuel Clap and Thomas Pinsen and there Successors from time to time shall be Assessed and pay

Legislative  
Records of the  
Council,  
vii., 196.  
Mass.  
Archives,  
xi., 159.

*Ante*, p. 704,  
chap. 67.



in proportion to y<sup>e</sup> Settlement and Support of y<sup>e</sup> ministry at y<sup>e</sup> ancient and first Congregation and Society within y<sup>e</sup> s<sup>d</sup> Town of Scituate, And y<sup>t</sup> all y<sup>e</sup> Ratable Inhabitants and Estate liveing Lyeing and being within y<sup>e</sup> S<sup>d</sup> Town on y<sup>e</sup> Southerly Side of y<sup>e</sup> Brooke aforesd (Except as abovesd) from time to time shall be assessed and pay in proportion to y<sup>e</sup> Settlement and Support of y<sup>e</sup> Ministry, at and in y<sup>e</sup> Second or upper Congregation and Society in S<sup>d</sup> Town.

And y<sup>t</sup> y<sup>e</sup> S<sup>d</sup> Respective Congregations and societys be and herby are Respectively Impowered from time to time in a meeting warned for y<sup>t</sup> purpose by such person as s<sup>d</sup> Societies Respectively shall appoint to Nominate and appoint Assessors to aportion Such Sum or sums as sd Societies Respectively shall agree to rais for y<sup>e</sup> Ends aforesd, and to make out alist of Every persons Name and proportion therto, under their hands, and y<sup>e</sup> same to comitt to one of y<sup>e</sup> Constables of s<sup>d</sup> Town, And y<sup>e</sup> s<sup>d</sup> Assessors are hereby Impowered therwith to Grant a warrant directed to s<sup>d</sup> Constable Requiring him to Colleet and gather y<sup>e</sup> sum total of such List or Assessment, according as y<sup>e</sup> law directs for Town Assessors in Case of Town Rates or Assessments, and to pay in y<sup>e</sup> same unto Such person or persons and at such time as s<sup>d</sup> Societies Respectively shall Order which s<sup>d</sup> Constable for y<sup>e</sup> Sum total of any Such List or Assessment comitted to him as aforesd shall be alike Accountable and Lieable to y<sup>e</sup> action of, every such Receiver appointed as aforesd, as by Law Constables and Town Collectors are, unto Town Treasurers or Receivers in Case of Town Rates or Assessments.

This order to Continue in force untill such time as the S<sup>d</sup> Societies repectively Shall agree to Provide for y<sup>e</sup> support and maintenance of the ministry in any other way. [*Passed June 9, 1701.*]

## CHAPTER 7.

(Province Laws, VII., 288.)

RESOLVE APPOINTING MR. STEPHEN FRANCIS, AND OTHERS, A COMMITTEE TO SETTLE THE LINES BETWEEN SHERBORN AND FRAMINGHAM, TO REPORT AT THE PRESENT SESSION.

*Resolved* That there be a Co<sup>m</sup>mittee app<sup>ted</sup> by this Court to go upon the Place and Settle the Line between the Towns of Sherbourn & Framingham according to the Order of the Court in May 1700 also having Regard to all former Grants relating thereto. And to make Report of their Doings therein to the present session of this Court,

And That Mr Stephen Francis of Medford, Mr Josiah Converse of Woburn, and Lieu<sup>t</sup> John Ware of Wrentham be a Co<sup>m</sup>ittee for the affair aforesd<sup>d</sup>. [*Passed June 11, 1701.*]

Legislative  
Records of the  
Council,  
vii., 199.  
Mass.  
Archives,  
cxlii., 295.

Mass.  
Archives,  
cxlii., 296.  
*Ante*, p. 697,  
chap. 13.



## CHAPTER 8.

(Province Laws, VII., 288.)

RESOLVE DIRECTING THE COMMITTEE OF BROOKFIELD TO HAVE AN EXACT PLAT OF SAID TOWNSHIP EIGHT MILES SQUARE MADE BY A SWORN SURVEYOR, WITH A DESCRIPTION OF CERTAIN LINES FOR BOUNDARIES AND THE QUALITY OF THE LAND, TO BE LAID BEFORE THIS COURT AT ITS NEXT SESSION THAT THEY MAY FURTHER CONSIDER THE GRANTS FOR SAID PLANTATION.

[ON A PETITION of the Committee and Inhabitants of Brookfield, few in number, praying for an allowance towards the maintenance of the Ministry, that all who claim proprietorship should pay their proportion of the charges from time to time or quit their lands and that the bounds of said townships be settled to be twelve miles square, the centre to be where the first Meeting House stood.]

*Resolved* That the Committee take order, That there be an exact Platt made by a Sworn Surveyor of eight miles Square with the description of certain Lines for boundaries and the Quality of the Land, to be laid before this Court at their next Session, That so the Court may then further consider of ascertaining the Grante for the s<sup>d</sup> Planta<sup>con</sup>. [*Passed June 11, 1701.*]

Legislative  
Records of the  
Council,  
vii., 200.  
Mass.  
Archives,  
cxiii., 294.

*Ante*, p. 667,  
chap. 2.

## CHAPTER 10.

(Province Laws, VII., 289.)

ORDERS ACCEPTING THE REPORT OF THE COMMITTEE APPOINTED TO INQUIRE INTO THE GRANTS AND INDIAN PURCHASES AFFECTING THE BOUNDARY LINES BETWEEN DARTMOUTH, LITTLE COMPTON AND TIVERTON, AND SETTLING THE LINE AS DEFINED BY THEM.

WHEREAS the Great, and General Court or Assembly for his Majesties Province of the Massachusetts Bay in New England begun, and held at Boston upon the 25<sup>th</sup> of May 1698, and Continued by prorogation unto the 15<sup>th</sup> of November following, and then met, Did Order, and Appoint us the Subscribers a Committee to enquire into the Grants of the Court, and Indian purchases relating to the Bounds of Dartmouth with the Lines between them Little Compton, and Tiverton &c

We said Committee met at the House of said W<sup>m</sup> Earl in Dartmouth the 25<sup>th</sup> of this Instant at ten a Clock the Selectmen of Little Compton, and Tiverton having been duely and Timely Notified, of the time, and place of our Sitting Appeared by Agents Deputed by them

The Agents of Dartmout[h] presented the Reserve of Gov<sup>r</sup> Bradford, and his Associates Dated December 1640 which extends two Miles to the Western side of Accoakset River on the West side of Point Peril, and to extend eight miles into the Country (But without point of Compass Named) The said River called Accoakset extends from the Harbour by General Consent, and our View about North east & by North in General into the Country, and we find that Dartmouth hath by Several Instruements Anciently Obtained from the Natives, made purchase from a Flatt rock on the West Side of Accoakset harbour at the Mouth of said River extending up the Westerly Arme or Branch of said River or harbour about three Miles North North west to a white Oak Stump, & thence Six Miles and an half more Northerly into the Country to a Mark't

Legislative  
Records of the  
Council,  
vii., 202.  
Mass.  
Archives,  
cxiii., 204.

Mass.  
Archives,  
cxiii., 205.  
*Ante*, p. 688,  
chap. 39.



place, and thence their North Bounds is extended, and their Easterly Bounds Settled, Which hath been by Several Instruements Confirmed, and in the Year 1674 at a Meeting of the Purchasers of Dartmouth the said Boundaries were Owned for the Bounds of the Town of Dartmouth, and Subscribed to under the Hand of Twenty-four of the Purchasers in the presence of Josiah Winslow Governour and recorded, And we find that little Compton is Bounded on Dartmouth as Appears by Deeds and Grants

JOHN BROWN  
THO<sup>AS</sup> LEONARD  
SAMUEL PECK

*Ordered* That the Report of the Committee above written be Accepted and the Line between the Town of Dartmouth and the Towns of Little Compton & Tiverton besetled accordingly. [And also]

The Town of Dartmouth having Paid the charge of the Committee abovenamed,

*Ordered* That The Towns aforementioned do each of them bear their respective charges in their Attending on S<sup>d</sup> Committee. [*Passed June 13, 1701.*]

## CHAPTER 13.

(Province Laws, VII., 290.)

ORDER APPOINTING A HEARING AT THE NEXT SESSION ON THE PETITION OF THE PURCHASERS AND INHABITANTS OF THE LANDS CALLED SHAWOMET, AT PRESENT UNDER THE CONSTABLERICK OF SWANSEA, TO BE ANNEXED TO FREETOWN, AND THAT THE SELECTMEN OF SWANSEA BE NOTIFIED THEREOF.

Legislative  
Records of the  
Council,  
vii., 207.  
Mass.  
Archives,  
cxiii., 298.

ON A PETITION of the Purchasers, and Inhabitants of the Lands called Shawomet within the County of Bristol at pres<sup>t</sup> under the Constablerick of Swanzy, praying that they may be Joined to Freetown,

Mass.  
Archives,  
cxiii., 299.

*Ordered* That the Hearing of this Petition be Referred unto the first friday of the next session of this Court, and That the Selectmen of Swanzy be notified accordingly, by Maj<sup>r</sup> Benj<sup>a</sup> Church. [*Passed June 18, 1701.*]

## CHAPTER 25.

(Province Laws, VII., 297.)

RESOLVE APPOINTING AND INSTRUCTING CAPT. SAMUEL GARDNER, AND OTHERS, A COMMITTEE (ONE OF THEM BEING AN ARTIST) TO ASCERTAIN THE BOUNDARIES OF FOUR THOUSAND ACRES OF LAND ASSIGNED TO NATICK BY DEDHAM, AT THE CHARGE OF SAID TOWNS.

Legislative  
Records of the  
Council,  
vii., 217.  
Mass.  
Archives,  
cxiii., 261.

*Ante*, p. 707,  
chap. 3.

*Resolved*, That a Comittee be appoynted to goe upon ye place one of them being an artist: & take Care y<sup>t</sup> [Richard]<sup>1</sup> Eliss his platt be truely extended to find ye west end of Dedhams track<sup>t</sup> of Land on ye north side of ye River: And then Measure of soe Much from s<sup>d</sup> Track<sup>t</sup> as shall Make up what is already Layd to Natick by Dedham on ye South side of ye River ye full of four thousand

<sup>1</sup> *Ante*, p. 702, chap. 33.



Acres: & Make their Returne of their doings to this Court ye next sessions & That Cap<sup>t</sup> Sam<sup>l</sup> Gardner M<sup>r</sup> Jn<sup>o</sup> Gore, [the Artist]<sup>1</sup> & L<sup>t</sup> John Ware be a Com<sup>it</sup>tee for the affair afores<sup>d</sup> The charge of s<sup>d</sup> Com<sup>it</sup>tee, and of the last Com<sup>it</sup>tee sent forth by this Court to settle s<sup>d</sup> Lines to be born halfe by Dedham & halfe by Natick. [*Passed June 27, 1701.*]

## CHAPTER 26.

(Province Laws, VII., 297.)

RESOLVE ACCEPTING THE REPORT OF THE COMMITTEE FOR SETTLING THE BOUNDARIES BETWEEN BILLERICA, BLOODS' FARMS, CONCORD AND CHELMSFORD AND ESTABLISHING THE BOUNDARIES AS REPORTED.

WHEREAS Major Jonathan Tyng, Major James Converse and Cap<sup>ne</sup> Benjamin Garfield a Committee appointed by the General Court at their Session in May 1700 to view and Settle the Lines between the Town of Bilrica and the Farmes of John and Robert Blood, and the Line between the said Town of Bilrica and the Towns of Concord and Chelmsford; have Reported their doings therein as followeth: That is to Say That as well by their own view of the Lines Court Grants and Deeds produced to them, as on hearing of what was offered by the Agents for the several Towns and other partys concerned, They find the Land of Bilrica bounded by the Line of Chelmsford Northward, begining at Patucket Stake (so called) by Concord River where Chelmsford & Billerika & the indians at wemesset do meet then Chelmsford line runs south fourtie three degrees west to a pillar of stones then it runeth south seventy nine degrees west three hundred thirtye & two pole which reached unto major willards farme to a great heap of stones lying in Chelmsford line then the majors farme runs southwardly forty six degrees west one hundred & sixteen pole to a litle white oak. Then it runeth south fourty one degrees west three hundred eighty & fower pole which reached to marked pine in Concord village line nere to a place Called Berry Corner then it is bounded by Concord line one mile on the south west it is bounded southward by a line which was run by the above sd Comitte betwene the Bloods & Billerika which ran from a pine Called Allin's Corner south eighty & five degrees west five hundred & sixteene pole to a great white oak marked R: B. then it runs from thence south fourty degrees west one hundred seventy & fower pole which reached unto Concord line againe. it is bounded north east, east & south East by Concord River

*Resolved*, That the said Report be accepted and Approved and the boundaries and Lines of the Towns and Lands abovenamed, Stated and Setled accordingly. [*Passed June 27, 1701.*]

Legislative  
Records of the  
Council,  
vii., 217.  
Mass.  
Archives,  
cxliii., 6.

Mass.  
Archives,  
cxliii., 7.  
*Ante*, p. 700,  
chap. 25.

<sup>1</sup> Mass. Archives, Maps and Plans, 3d series, xxxiv., 20.



## CHAPTER 32.

(Province Laws, VII., 299.)

RESOLVE APPOINTING A HEARING AT THE NEXT SESSION ON THE PETITION OF SHERBORN FOR A SETTLEMENT OF THE BOUNDARY LINES BETWEEN SAID TOWN AND FRAMINGHAM, AND FOR THE CONFIRMATION OF LANDS PURCHASED BY JOHN EAMES, AND OTHERS, OF THE INDIANS, EACH TOWN TO PRESENT A PLAIN AND TRUE PLAT OF THEIR RESPECTIVE TOWNSHIPS.

Legislative  
Records of the  
Council,  
vii., 222.  
Mass.  
Archives,  
cxiii., 302.

Mass.  
Archives,  
cxiii., 300, 301.  
*Ante*, p. 708,  
chap. 7.

ON A REPRESENTATION of the Selectmen of the Town of Sherborne on Behalf of the said Town, praying that the Stating, and Settling of Lines, and Boundaries betwixt Sherborne, and Framingham, And Also the Confirmation of Lands purchased by John Eames &c of the Indians, according to their petition, may be deferred until they be heard touching the Same, being read at the Board

*Resolved*, That the Consideration of y<sup>e</sup> affair within mentioned be referred to y<sup>e</sup> next Session of this Court, And y<sup>e</sup> the partys be heard on y<sup>e</sup> Second Wednesday thereof. And that then Each Town present a plain and true Plat of their respective Townships. [*Passed June 30, 1701.*]

## CHAPTER 44.

(Province Laws, VII., 303.)

ORDER SETTLING THE BOUNDS FOREVER BETWEEN SUDBURY AND THE FARMS ANNEXED TO FRAMINGHAM AS SET FORTH IN THE PLATS OF JOHN GORE, SURVEYOR, BEARING DATE OF MARCH 8, 1700-1.

Legislative  
Records of the  
Council,  
vii., 202.  
Mass.  
Archives,  
cxiii., 297.

*Ante*, p. 703,  
chap. 38.

*Ordered* That The Line between Sudbury and y<sup>e</sup> Farms annexed to Framingham as Set forth in y<sup>e</sup> platts Exhibited under y<sup>e</sup> hand of Jn<sup>o</sup> Gore Surveyor bearing date March 8<sup>th</sup> 1700/1 Be and Continue ye boundary Line between y<sup>e</sup> Said Farmes & Sudbury for ever Viz<sup>t</sup> from y<sup>e</sup> Northerly end of Cochittwat Pond to y<sup>e</sup> bent of the River by Daniel Stones & So as the River goes to Framingham & Sudbury Line. [*Passed June 13.<sup>1</sup> 1701.*]

## CHAPTER 47.

(Province Laws, VII., 303.)

RESOLVE GRANTING A TOWNSHIP EIGHT MILES SQUARE TO SEVERAL INHABITANTS OF SPRINGFIELD, PROVIDED SIXTY FAMILIES SETTLE THEREON, AND APPOINTING COL. JOHN PYNCHON, AND OTHERS, A COMMITTEE TO MANAGE SAME FOR FIVE OR SIX YEARS OR UNTIL IT SHALL BECOME A TOWN.

Legislative  
Records of the  
Council,  
vii., 209.  
Mass.  
Archives,  
cxiii., 258.

IN ANSWER TO Y<sup>e</sup> PETITION of Sevrall of the Inhabitants of Springfield thereunto Subscribed, Humbly Craveing the Grant of a Plantation or Townshipp twelve or fourteene Miles Eastward of Springfield ajoyneing to Springfield Bounds On y<sup>e</sup> West, In a tract of Land there from Chickapy river on y<sup>e</sup> North to Run a Long by Springfield Line On the West of this Tract, South Eight Miles to Enfeild Line takeing in from Chickapy River the s<sup>d</sup> Tract of Land there of Eight Mile Square:

<sup>1</sup> [Note in the Goodell MSS.] Did not receive the signature of Stoughton. See Temple's History of Framingham, where he says this became the boundary. The plats referred to are not in Massachusetts Archives.



*Resolved* that there be Grant<sup>d</sup> unto y<sup>e</sup> Petition<sup>rs</sup> & such others as y<sup>e</sup> Committee Of this Co<sup>r</sup>te<sup>s</sup> appoint<sup>mt</sup> shall Associate to them the aforedisscribed Tract of Land for a Township, Provided they Setle thereon, & distribute it to Sixtie Familys & that within two years from May Next there be twenty Familys dwelling on the place & pro[v]ission by Grants made for Entertaïneing more to y<sup>e</sup> Number of Seventy Familys if the Land Will conveyniently accomodate so many. And for the admitting of Inhabitants Granting aLotments distributeing or proportioning of Land there & Ordering all the prudentiall Affaires of the place this Co<sup>r</sup>te Doe Appoint & impower Col<sup>o</sup> Jn<sup>o</sup> Pynchon Esq<sup>r</sup> Cap<sup>t</sup> Thomas Colton M<sup>r</sup> Pelatiah Glover M<sup>r</sup> James Worriner Sen<sup>r</sup> Ens: Joseph Stebbins & M<sup>r</sup> David Morgan Or any three of them (the s<sup>d</sup> Col<sup>o</sup> Jn<sup>o</sup> Pynchon Esq<sup>r</sup> or Cap<sup>t</sup> Thomas Colton being One) A Committee fully impowred to Manage Order & determine all that is Needful unto Stateing & Setleing the place at p<sup>s</sup>ent for five or Six Years or according as this Co<sup>r</sup>te shall see cause or Further Order when the Inhabitants Setled on s<sup>d</sup> place shall then bee allowed to have & enjoy all such preveledges imunities & powers as other Towns in this Province have & Doe enjoy, And in the Mean tyme the Committee aforementioned informeing the place for a Town are to consider Compactness & safetie as well as mens Conveyniency & advantage for Husbandry, as alsoe the Endeavoring the Setleing of an able Orthodox Minestor of the Gospell there as soone as may bee The s<sup>d</sup> Committee alsoe in their Makeing Grants of Lands to such as they shall admitt Inhabitants there to have Respect unto mens Estates & abilities to improve the same, Stateing & appointeing the tyme for the Grantees to be improveing their Land by an Actuall dwelling thereon or building there according as s<sup>d</sup> Committee shall Order On a forfeiture that if men Even any of the Petition<sup>rs</sup> desert the place or Neglect to attend the Terms of their Respective Grants in one kinde or another, The Township may Notwithstanding be carried on by Others that may have the forfeited Grants given them Upon such conditions alsoe such New Grantees carrying on & Setleing in s<sup>d</sup> Township It is Further provided y<sup>t</sup> the s<sup>d</sup> Committee Grant to No one person that may have the greatest Estate more then One hundered & twenty acres of all sorts of Land And that while this place is in its infancy unsubdued & litle improvements made all Rates & Charges for carrying on & Setleing it, be Raised On the Grantees or Inhabittants by the Pole, & according to their Grants or Quantities of Land allowed to Each person & accordingly to be proportioned & payd by y<sup>e</sup> Grantees for five or Six Years & till Other Order taken, & for so Long tyme the place to bee free from all publike Rates or Taxes or till this Co<sup>r</sup>te shall see it is in a way of Subsistance & Raiseing on the place wherewith to defray the same Saving all former Grants. [*Passed June 20, 1701.*]

## CHAPTER 64.

(Province Laws, VII., 310.)

### ORDER APPOINTING A HEARING FOR ISSUING THE DIFFERENCE ABOUT THE BOUNDARIES BETWEEN TOPSFIELD AND BOXFORD.

*Ordered* That a Hearing of the Towns of Topsfield and Boxford for Issuing the Difference between S<sup>d</sup> Towns about their Boundaries be Granted & Attended the 2<sup>d</sup> Friday of the next session of this Court. [*Passed September 5, 1701.*]

Legislative  
Records of the  
Council,  
vii., 240.  
Mass.  
Archives,  
xl., 723.  
*Ante*, p. 699,  
chap. 21.



## CHAPTER 79.

(Province Laws, VII., 317.)

RESOLVE ACCEPTING THE REPORT OF THE COMMITTEE APPOINTED TO ASCERTAIN THE BOUNDARIES OF THE FOUR THOUSAND ACRES OF LAND ASSIGNED TO NATICK BY DEDHAM AND SETTLING THE LINES AND BOUNDARIES ACCORDINGLY.

Legislative  
Records of the  
Council,  
vii., 250.  
Mass.  
Archives,  
cxiii., 304.

*Ante*, p. 710,  
chap. 25.

WEE WHOSE NAMES are Under written being Appointed by the Great and General Court to be a Committee to extend [Richard]<sup>1</sup> Ellis his Platt to find out the West End of Dedhams Tract of Land on the North side of the River, and then to Measure off so much from said Tract as shall make up what is already laid to Natic by Dedham on the South side of the River the full of four thousand Acres, Have Accordingly extended the said Platt, and the North West Corner to extend from Parting point West Seven degrees Southward by five Miles unto a Stake & heap of Stones Standing thirty one Poles Short of Cochetuit Pond, And from thence the Westwardly End extends South Twenty five degrees West two Miles unto a Stake, which We find to be the Westwardly end of said Tract of Land We have also Measured the Land laid to Natic by Dedham on the South side of the River beginning at a Swamp white Oak by the River side Standing upon a Streight line, two hundred, and Ninety Poles distant up the River from Sawmill Brook, and from the Said white Oak it runs South four hundred, and forty rods unto a Walnut tree Marked, with Stones at the root Standing on the South side of Pagon hill and from thence it extends West ten degrees, North, Eighty eight rods unto a great white Oak Tree marked, and from thence on the Same Course three hundred, and Seventy four Poles unto the River, which Tract of Land Contains Seven hundred Acres. We have also Measured off on the North side of the River three thousand, and three hundred Acres, We beginning at Saw Mill Brook where it runs into the River and is Bounded with the said Brook unto Natic Pond, which is next the River, And from thence it runs over the pond West thirty degrees Northwardly unto a Crotched redd Oak Tree Marked, and from thence it extends West Six Degrees Northwardly about three Miles unto the West End of Dedhams Tract of Land at Cochetuit Pond, and Terminates in the pond, where Dedhams West line interSects with the Same

SAMUEL GARDNER,  
JOHN GORE,  
JOHN WARE

In the House of Representatives

*Resolved*, That the Report abovewritten be Accepted: And the Lines and Boundaries between the Towns of Dedham and natick be Setled and Remain accordingly

In Council

Read and voted a Concurrence. [*Passed October 18, 1701.*]

<sup>1</sup> *Ante*, p. 702, chap. 33.



## CHAPTER 82.

(Province Laws, VII., 319.)

RESOLVE AND ORDER CONFIRMING THE BOUNDARY BETWEEN ROWLEY AND BRADFORD AS IT WAS ANCIENTLY AGREED TO BY ROWLEY UPON THE SETTING OFF OF MERRIMACK LAND, NOW BRADFORD, FROM SAID TOWN.

UPON A FULL HEARING, and mature Consideration of the difference betwixt the Towns of Rowley and Bradford, within the County of Essex, referring to the boundary or divisional Line betwixt the said two Towns, as to the manner of running and Extent of the same.

*Resolved and Ordered* That the Line of division or boundary betwixt the said Towns of Rowley and Bradford, be and hereby is stated and settled to continue abide and remain as appear's was anciently agreed to by the Town of Rowley upon their setting off and allotting out of Merrimack Land (so called) being originally part of their Township, now Bradford. Viz<sup>t</sup> the Line beginning at a certain great Rock, lying in the Angle of the Lines of Rowley & Boxford & Bradford where they meet at a point, and so to run straight unto a certain white Oake tree marked standing near the Falls River at the corner of the Farme laid out to m<sup>r</sup> Thomas Nelson on the Easterly side of Craine Meadow. The Line of the said Town of Bradford adjoining to Newbury, haveing anciently & from time to time been run and perambulated by Committees of both said Towns from the said marked white Oake Tree (where Rowley men end their perambulation) unto Merrimack River. [*Passed February 24, 1701*[-2].

Legislative  
Records of the  
Council,  
vii., 258.  
Mass.  
Archives,  
cxliii., 9.

Mass.  
Archives,  
cxliii., 10;  
Maps and  
Plans, 3d  
series, iii., 34.  
*Ante*, p. 707,  
chap. 4.

## CHAPTER 85.

(Province Laws, VII., 320.)

RESOLVE SETTLING THE BOUNDS BETWEEN TOPSFIELD AND BOXFORD AS REPORTED BY THE COMMITTEE ON SAME.

THE COMMITTEE Appointed by the General Assembly in June 1700 to View the Lines between the Towns of Boxford & Topsfield &c And to make report of their doings, having Accordingly made their report in the Words following That is to Say

To the Hon<sup>ble</sup> General Court, The Subscribers humbly Offer That whereas we are Appointed a Committee to go upon the place, and view the Farmes Mentioned in Boxfords petition to said Court, and the lines between the Bounds of said Boxford, and Topsfield, & make report to the next Session of said Court of Our doings Pursuant to said Order, We find the Lines have not been regularly Setled, Yet we were shewed part of the Way mark't Trees

Also We find, with respect to M<sup>r</sup> Golds land, many grants mixt so together, that the three hundred Acres, so Called, laid to Topsfield during the Courts pleasure, very uncertain with respect to Bounds, as well as other parts of his Lands, w<sup>ch</sup> was purchased of Rowley, that part the Inhabitants are Setled upon and hath paid Rates for to Topsfield, which will be Detrimental to Topsfield, lying so near the Meeting house, if Setled to pay to Boxford

Also we find M<sup>r</sup> Endicots Farme lock't in betwixt Some of Boxford Lands that his Farme thô it hath ever paid to Topsfield, will be with difficulty Setled upon Topsfield, being almost Separated from Golds Land by a parcel of Boxford Lands

Legislative  
Records of the  
Council,  
vii., 262.  
Mass.  
Archives,  
cxliii., 243.

*Ante*, p. 699,  
chap. 21.



The Premises Considered relating to a Settlement of Bounds betwixt them We are humbly of Opinion, It may be expedient that the Line be for the future Stated from the Apple tree in Lieut pearly's field According as Topsfield owns it to extend to the South east Corner of Mr Baker's Land now in Boxford to a heap of Stones, and Stake by Mr Bakers Gate, thence to run on a Streight Line to the Dam or Causeway over Hassike Meadow and thence as the Rivelet runs into the Fishing Brook and then as the Fishing Brook runs into the great River all the Lands of Mr Golds, and Others on Topsfield side of said Boundaries to ly, and belong to Topsfield, And all the Farme of Mr Endicots on the North side of the Great River, And the West side of the Fishing Brooke to belong to Boxford, And all the Land granted by the General Court Joyning to Boxford line on the West side of the Great River to be Added to Boxford Township

JN<sup>o</sup> BROWNE  
JOHN BURRIL  
NEHEMIAH JEWETT

In the House of Representatives

The Report of the Committee within written being Read.

*Resolved*, That the Bounds between the Towns of Topsfield, and Boxford be Settled accordingly.

In Council

Read and past a concurrence. [*Passed February 24,*<sup>1</sup> 1701[-2].

## CHAPTER 86.

(Province Laws, VII., 320.)

RESOLVE CONFIRMING TO JOHN EAMES, NATHANIEL EAMES AND SAMUEL EAMES, A TRACT OF LAND CONVEYED TO THEIR FATHER, THOMAS EAMES, BY THE INDIANS OF NATICK IN THE YEAR 1676.

Legislative  
Records of the  
Council,  
vii., 260.  
Mass.  
Archives,  
xiv., 267.

Mass.  
Archives,  
xiv., 269-271.  
Mass. Bay  
Records, v.,  
147, 230.

JOHN EAMES, NATHANIEL EAMES & SAM<sup>LL</sup> EAMES sons of Thomas Eames decēd; As also Agents for the Town of Sherbourn, haveing been heard before the whole Court upon the Petition of y<sup>e</sup> s<sup>d</sup> John Nathaniel & Samuel Eames, praying this Courts Allowance and Confirmation of a Certain Parcel of Land, w<sup>ch</sup> their Fath<sup>r</sup> Thomas Eames in his Life time, at a Court held at Nonantum Jan<sup>ry</sup> the 24<sup>th</sup> 1676 propounded to have of the Indians of Natick (being encompassed by the Lands of Mr Thomas Danforth, John Death & John Stone) The Indians haveing Consented That in Exchange of Lands betwixt Sherborn & Natick, the Parcel of Land desired by Thomas Eames should be Included in the Land that Sherborne men were to have in Exchange from Natick, and upon y<sup>e</sup> Motion of s<sup>d</sup> Tho<sup>s</sup> Eames to the Gen<sup>l</sup> Court held at Boston y<sup>e</sup> 29<sup>th</sup> day of May 1679. The Court haveing also Allow'd & Confirmed the Grant & Exchange made of the Lands above Mentioned, And the s<sup>d</sup> parcel of Land Granted & Confirmed by Deed from the Indians of s<sup>d</sup> Natick bearing date y<sup>e</sup> 17<sup>th</sup> of April 1695

*Resolved*, That the s<sup>d</sup> Indian Sale Petition'd for be Allowed & hereby Confirmed to the Pet<sup>rs</sup> as good & Valid in Law, to them and their heires & Assignes, and to the Assignees of their Fath<sup>r</sup> Thomas Eames decēd forever, according to their Deed Acknowledg'd and upon Record, Dated the 17<sup>th</sup> day of April 1695. [*Passed February 25,*<sup>2</sup> 1701[-2].

<sup>1</sup> This date is February 25 in Legislative Records of the Council.

<sup>2</sup> This date is according to Legislative Records of the Council as final date is not given in Mass. Archives.



## CHAPTER 89.

(Province Laws, VII., 321.)

RESOLVE ERECTING THE TRACT OF LAND CALLED DRACUT INTO A TOWNSHIP OF THE SAME NAME, PROVIDED IT DOES NOT INTRENCH UPON ANY FORMER GRANT, ASSISTS IN THE MAINTENANCE OF THE MINISTRY OF CHELMSFORD UNTIL PROVIDED WITH A MINISTER, AND A PLAT OF SAID TOWNSHIP BE LAID BEFORE THIS COURT.

ON A PETITION of Samuel Sewall Esq<sup>r</sup> Ephraim Hunt Esq<sup>r</sup> Benjamin Walker, John Hunt and Jonathan Belcher, Proprietors of part of the Tract of Land called Dracut, beyond Chelmsford in the County of Midd<sup>s</sup> on the north side of Merrimack river, and of Samuel Varnum & several others, Inhabitants and Proprietors of the s<sup>d</sup> Tract of Land, praying That the s<sup>d</sup> Tract of Land, which adjoyns to Dunstable on the West and North west and runs seven miles Eastward upon the River from Dunstable Line and six mile northward from the River, may be made a Township, and that y<sup>e</sup> Inhabitants which are or shall settle thereupon may have and enjoy all libertys, priviledges & immunities as the Inhabitants of other Towns within this Province have and do enjoy;

Legislative  
Records of the  
Council,  
vii., 264.  
Mass.  
Archives,  
cxiii., 307.

*Resolved*, That the prayer of the s<sup>d</sup> Petition be granted, and the Tract of Land therein described be made a Township and called by the name of Dracut. Provided, That the bounds specified intrinch not upon any former Grant or Grants of Townships,

That the Inhabitants of s<sup>d</sup> Land assist in y<sup>e</sup> maintenance of the Ministry at the Town of Chelmsford, as at present they do, until they are provided w<sup>th</sup> a Minister as y<sup>e</sup> Law directs.

That a General Platt of s<sup>d</sup> Land (taken by a Sworn Surveyor) be laid before this Court at their Session beginning in May next and

That if any Land shall happen to fall within the Bounds aboves<sup>d</sup> that hath not been heretofore granted it shall be reserved to be disposed of by this Government. [*Passed February 26, 1701*[-2].

## CHAPTER 94.

(Province Laws, VII., 322.)

RESOLVE AND ORDER GRANTING A TRACT OF LAND IN TIVERTON, LATELY BELONGING TO DANIEL WILCOX, TO THE INDIANS FOR A PLANTATION, AND APPOINTING EBENEZER BRENTON, ESQ., MAJ. BENJAMIN CHURCH AND MR. WILLIAM FOBES THE FIRST COMMITTEE TO ORDER AND REGULATE THE CONCERNS OF SAID PLANTATION.

WHEREA<sup>s</sup> upon Application sometime since made to this Court by the Indians residing in the Southern parts of the County of Bristol (divers of whome have been very serviceable to his majesty in the late wars with the Indians, and some of them brought up in English Familys) That a convenient Tract of Land may be assigned to them for a Plantation where they may settle together in an orderly way, and have the benefit of enjoying the ministry, and Settling a School for the teaching and Instructing of their Children And Committee was appointed by this Court to make inquiry where Land might be had sutable for that occasion And there being a Tract of Land within the Township of Tiverton lately granted to the Government by Daniel Wilcox

Legislative  
Records of the  
Council,  
vii., 266.  
Mass.  
Archives,  
xxx., 478.

*Ante*, p. 692,  
chap. 49.

*Resolved and Ordered*, That the said Indian<sup>s</sup> be accommodated with a Settlement for a Plantation upon the aforesaid Land<sup>s</sup> to be



holden by them of his Maj<sup>ties</sup> Government within this Province, during the pleasure of the Government; And that a Committee be appointed by this Court from time to time to direct order and Regulate the said Settlement or Plantation in assigning and Setting forth due allotments or proportions of Land to each Family of the Indians that shall or may come to Inhabit or settle within the said Plantation, to be severally occupied and improved, and all things else relating to the concerns of said Plantation. And that Ebenezer Brenton Esq<sup>r</sup> Major Benjamin Church, and m<sup>r</sup> William Fobes be the first Committee for the ends aboves<sup>d</sup> any two of them to act. And that the s<sup>d</sup> Committee be Desired and Directed, to look after the Lands that are undivided arising and becoming due to the Province by virtue of the Deed from s<sup>d</sup> Wilcocks. [*Passed February 26, 1701*[-2].

## CHAPTER 12.

(Province Laws, VII., 340.)

RESOLVE DECLARING THAT THE LAND OF DANIEL WARREN, JUN., LIES WITHIN THE WESTERN PRECINCT OF WATERTOWN AND THAT HE OUGHT TO COMPORT HIMSELF ACCORDINGLY.

Legislative  
Records of the  
Council,  
vii., 286.  
Mass.  
Archives,  
cv., 37.

*Anle*, p. 705,  
chap. 76.

ON A PETITION of Daniel Warren Jun<sup>r</sup> of Watertown Complaining That he is Assessed, and Distrained for Charges arising in the Western Precinct of the Town of Watertown Apprehending he is not Comprehended within the Boundary of the Same And praying that a more full, and plain Settlement of said Boundaries may be made

*Resolved*, That the Said Petition<sup>r</sup> lyeth within the boundary of the Western Precinct of Watertowne as Sufficiently Implied and Concluded in the Generall Courts late Explanatory act referring to y<sup>e</sup> boundary of Said precinct, and that he ought to Comport him Selfe accordingly. [*Passed June 9, 1702.*

## CHAPTER 13.

(Province Laws, VII., 340.)

Legislative  
Records of the  
Council,  
vii., 287.  
Mass.  
Archives,  
cxiii., 310.

Mass.  
Archives,  
cxiii., 309.  
*Anle*, p. 713,  
chap. 64.

ORDER APPOINTING A HEARING ON THE PETITION OF TOPSFIELD, WITH REFERENCE TO THE FARMS PETITIONED FOR BY BOXFORD, AND DIRECTING THAT SAID TOWNS BE NOTIFIED THEREOF BY THEIR RESPECTIVE REPRESENTATIVES.

ON A PETITION of the Town of Topsfield, Praying to have a further hearing with reference to two farmes that were Petitioned for by Boxford

*Ordered* That the Inhabitants of Topsfield and Boxford have a further Hearing on the second Wednesday of the next sessions of this Court, and that s<sup>d</sup> Towns be notified accordingly by their respective Representatives. [*Passed June 10, 1702.*



## CHAPTER 17.

(Province Laws, VII., 342.)

RESOLVE AND ORDER APPOINTING CAPT. SAMUEL LEGG, AND OTHERS, A COMMITTEE TO CONSIDER THE REPORT OF MR. JAMES TAYLOR OF HIS PROCEEDINGS TOWARDS FINDING THE LINE BETWEEN THIS PROVINCE AND THE COLONY OF CONNECTICUT, TO CONSIDER ALL PAPERS AND RECORDS RELATING TO THE SAME, AND PROPOSE WHAT THEY THINK PROPER TO BE DONE FOR THE SETTLING OF SAID LINE.

In the House of Representatives.

*Resolved*, That Cap<sup>t</sup> Samuel Legg, Thomas Brown Esq<sup>r</sup> Mr Joseph Sherman and Mr Theophilus Cushion be a Co<sup>m</sup>mittee, to Join with a Committee of the Hon<sup>ble</sup> Board, to Consider the Report which Mr James Taylor hath made, of his Proceedings towards finding the line between this Province, and the Colony of Connecticut, and to Propose what they think proper now to be done by this Court for the settling s<sup>d</sup> line.

In Council

Read and concurred with, And

*Ordered* That Elisha Cooke and Elisha Hutchinson Esq<sup>rs</sup> be a Committee of the Board, for the Affair afores<sup>d</sup> And that they have power to send for and Examin all Papers and Records relating to any former transactions there about, and to make their report upon the whole [*Passed June 19, 1702.*]

Legislative  
Records of the  
Council,  
vii., 295.  
Mass.  
Archives,  
iii., 96.  
*Ante*, p. 693,  
chap. 2.

## CHAPTER 31.

(Province Laws, VII., 348.)

RESOLVE REFERRING THE PETITION OF HOPESTILL BENT, AND OTHERS, FOR LEAVE TO PURCHASE LAND OF THE INDIANS AT NATICK, TO NATHANIEL THOMAS, AND OTHERS, TO REPORT THEIR OPINION THEREON.

ON A PETITION of Hopestil Bent, and Isaac Rice of Sudbury Thomas Waban Indian Town Clerk, of Natick, praying Liberty to Purchase a Certain parcell of Land belonging to the Indian Plantation of Natick,

In Council

Read and committed to Nathan<sup>l</sup> Thomas Jn<sup>o</sup> Appleton & Samuel Partridge Esq<sup>rs</sup> with such Gent<sup>n</sup> as may be named a Committee of the house of Representatives to joyn with them, to consider of the Prayer of this Petition, and to Report their Opinion thereon.

In the House of Representatives.

*Resolved* that Capt Joseph Boynton m<sup>r</sup> Theophilus Cushion m<sup>r</sup> Preble Capt French be a Committee of the house of Representatives to joyn with the Gentlemen chosen by the board to consider of the prayer of this petition. [*Passed October 17,<sup>1</sup> 1702.*]

Legislative  
Records of the  
Council,  
vii., 313.  
Mass.  
Archives,  
xxx., 487.

Mass.  
Archives,  
xxx., 487

<sup>1</sup> This date is October 16 according to Legislative Records of the Council.



## CHAPTER 35.

(Province Laws, VII., 349.)

RESOLVE APPOINTING A HEARING ON THE PETITION OF MICHAEL BACON AND JOHN WILSON OF BILLERICA FOR SETTLING THE BOUNDARY BETWEEN THEIR FARM AND THAT OF THE HEIRS OF MAJ. ROBERT THOMPSON, AND SUMMONING THOMAS BANISTER, SAID TO BE AGENT OF SAID HEIRS, TO ATTEND.

Legislative  
Records of the  
Council,  
vii., 318.

Mass.  
Archives,  
ccxliii., 11.

A PETITION of Michael Bacon, and John Wilson of Bilrica Praying for a Committee to Settle, and report the Lines of the Boundary betwixt their Farm; formerly M<sup>r</sup> Jon<sup>a</sup> Mitchels in Bilrica, and that formerly Major Gookins now said to Belong to the Heirs of Major [Robert]<sup>1</sup> Thompson was sent up from the Representatives with the resolve of that House thereupon for Appointing a Committee to go upon the Place, and view the said Lines &c

Which Petition, and resolve being read a Message was Sent down to the Representatives That the Board were of Opinion That M<sup>r</sup> Thomas Bannister said to be Agent for the Heirs of said Major Thompson be Notified to Appear before the Court, and be heard if he had anything to Object why the prayer of the Petitioner should not be granted

Whereupon a Resolve was past by the Representatives and Sent up that the said Thomas Banister be Notified to Appear before the Court next Tuesday Morning; Which was Agreed to by the Board. [*Passed October 21, 1702.*]

## CHAPTER 40.

(Province Laws, VII., 351.)

VOTE APPROVING A LETTER TO THE GOVERNOR AND COUNCIL OF CONNECTICUT AS TO THE LINE BETWEEN SAID COLONY AND THIS PROVINCE, DECLARING THAT THE GOVERNOR, WHOSE COMMISSION EXTENDS EQUALLY TO ALL THE PARTS OF THIS PROVINCE, CAN NEITHER SUFFER ANY DIMINUTION NOR RECEIVE ANY ADDITION WITHOUT AN EXPRESS ORDER FROM HER MAJESTY QUEEN ANNE, AND DIRECTING SECRETARY ADDINGTON TO SIGN THE SAME.

Legislative  
Records of the  
Council,  
vii., 325.

Mass.  
Archives,  
iii., 98, 101, 102.  
*Ante*, p. 695,  
chap. 12.

A DRAUGHT of a Letter in Answer to Letters from the Governour, and Council of Connecticut referring to the Line between this province, and that Colony, was read, and passed to be Signed by the Secretary [Isaac Addington],<sup>2</sup> And being Sent down to the Representatives, was returned from that House with their Concurrence thereto. [*Passed November 2, 1702.*]

[The second draught of the letter follows, having been drawn up and past and "sent forward" when the first "happ<sup>d</sup> to be mislaid." The first draught is found in Massachusetts Archives, iii., 101, 101a.]

CAMBRIDGE, NOV<sup>r</sup> 2<sup>d</sup> 1702.Hon<sup>ble</sup> Sr

I am Commanded by his Excellency, the Council and Assembly to Acquaint you, That as well your particular Letter as that from your Selfe and Council relating to the Southern Line of this Province, anciently surveyed, stated Settled & well known to every body, and your Charter granted many year's since bounded thereupon, have been communicated to the General Assembly in their present Session And that they approve your resolution therein expressed for preventing any disturbance to the Inhabitants of the Towns of Enfield and Suffield, and for saving of property and Townships granted by either Government on one or other side of the Line, as agreeable to the Rules of Justice and Equity.

<sup>1</sup> Mass. Bay Records, v., 409.

<sup>2</sup> Mass. Archives, iii., 102a.



But it will be remembred by those yet living within your Government, and will be made appear to all upon inspecting your own Records, what proposals have formerly been made, and Methods taken by appointm<sup>t</sup> of Commissioners &c to give you Satisfaction about the right of that Line; which ended only in an unnecessary cost and charge to this Province, as is affirmed by those Employed therein; However the matter is otherwise now, His Excellencies Commission extending equally to all the parts of this Province, so that he can neither suffer any diminution, nor receive any addition thereto without express order from Her Majesty; which is the last Answer can be made about that matter of the Line.

I am further Commanded to assure you That nothing shall be wanting on the part of this Governm<sup>t</sup> to maintain a Neighbourly Correspondence with yo<sup>r</sup> Selves and other Her Majties Governments. I am

Hon<sup>ble</sup> S<sup>r</sup>

Your Honor<sup>s</sup> most humble Serv<sup>t</sup>

Massachusetts Archives, iii., 102, 102a.

## CHAPTER 44.

(Province Laws, VII., 352.)

ORDER APPROVING THE REPORT OF THE COMMITTEE REFUSING TO GRANT THE PETITION OF HOPESTILL BENT AND OTHERS TO PURCHASE LANDS OF THE INDIANS AT NATICK.

THE COMITTEE appointed to consider of [the] Petition [of Hopestill Bent and others to purchase land of the Indians at Natick]<sup>1</sup> not findeing that the Indians are under a p<sup>r</sup>sent Nessessitie to make Sale of their land, are of opinion that the Petition be not Granted

In Council

Read and Approved of.

In the House of Representatives

Read and

Ordered a Concurrence. [*Passed November 3, 1702.*]

Legislative  
Records of the  
Council,  
vii., 327.  
Mass.  
Archives,  
xxx., 487.

*Ante*, p. 719,  
chap. 31.

## CHAPTER 47.

(Province Laws, VII., 353.)

ORDER APPOINTING COL. TYNG, AND OTHERS, A COMMITTEE ON THE PETITION OF THE TOWN OF LANCASTER FOR LEAVE TO PURCHASE OF GEORGE TAHANTO, AN INDIAN SAGAMORE, A TRACT OF LAND ADJOINING THE WEST END OF SAID TOWNSHIP AND WACHUSETT HILL.

A PETITION of the Town of Lancaster, Praying Liberty to purchase of George Tahanto Indian Sagamore A Certain Tract of Land lying Adjoining to the West End of s<sup>d</sup> Township betwixt that, and Wachusets Hill, Was Sent up from the Representatives; With the Order of that House in Answer to the Same That a Committee be Appointed by this Court to go upon, and take a view of the Land petitioned for and to make their report to the next Session of this Court, The Petitioners to Defrey the Charge of the said Committee

Which Petition, and Order being read at the Board, the said Order was Concurred with; And Coll<sup>o</sup> [Jonathan]<sup>2</sup> Tyng; Major Tho<sup>s</sup> Brown and Capt James Minott, with Such others as the Representatives Shall think fit to Name, were Appointed by the Board to be a Committee for the Affair Afforesaid. [*Passed November 6, 1702.*]

Legislative  
Records of the  
Council,  
vii., 333.

<sup>1</sup> *Ante*, p. 719, chap. 31.

<sup>2</sup> Province Laws, vii., 7.



## CHAPTER 68.

(Province Laws, VII., 361.)

ORDER AUTHORIZING MR. EDWARD PELHAM OF NEWPORT TO LAY OUT EIGHT HUNDRED ACRES OF LAND, IN RIGHT OF THE HEIRS OF HERBERT PELHAM, ESQ., AND MR. THOMAS WALGRAVE, WHO WERE GRANTED SAME IN 1648, AND PRESENT A PLAT THEREOF, TAKEN BY A SWORN SURVEYOR, FOR CONFIRMATION.

Legislative  
Records of the  
Council,  
vii., 350.  
Mass.  
Archives,  
xiv., 277.

Mass.  
Archives,  
xiv., 276.  
Mass. Bay  
Records,  
iii., 138.

ON A PETITION of Mr Edward Pelham of Newport Setting forth That at a Session of the General Court at Boston the 18<sup>th</sup> of the 8<sup>th</sup> Month 1648 upon the Petition of Herbert Pelham Esq<sup>r</sup> who had put in Fifty pounds Adventure in the Common Stock, & Mr Walgrave as much the Court did grant Mr Pelham four hundred Acres [for himself and four hundred acres]<sup>1</sup> for the heirs and Assignes of Mr Thomas Walgrave; Which Land hath not been yet laid out, And praying that he may have an Order to have it laid to him in the most Convenient place that he shall think fit not Prejudicing any Titles

Read, And

*Ordered* That the Praier of the above Petition be Granted, and the Petitioner have Liberty to lay out Eight Hundred acres of Land as Prayed for, and to Present a Platt thereof to this Court, Taken by a Sworn surveyor for their Confirmation In Right of the Heires of Mr<sup>a</sup> Pelham and Walgrave Provided that neither of the aforesaid Grants of Land have been taken up heretofore, or other Satisfaction made for them [*Passed November 18, 1702.*]

## CHAPTER 71.

(Province Laws, VII., 361.)

RESOLVE GRANTING ONE THOUSAND ACRES OF LAND TO THE HEIRS OF THE LATE GOVERNOR, SIMON BRADSTREET, ESQ., IN FULL OF THEIR ACCOUNT, PROVIDING IT INTRENCH ON NO OTHER GRANT AND THAT THEY PRESENT A PLAT THEREOF FOR CONFIRMATION.

Legislative  
Records of the  
Council,  
vii., 353.  
Mass.  
Archives,  
xiv., 279.

Mass.  
Archives,  
xiv., 278, 283,  
284.

ON A PETITION of John Bradstreet, Ann Williams, and Simon Bradstreet praying that the Arrears due to the Hon<sup>ble</sup> Simon Bradstreet Esq<sup>r</sup> Deceēd late Governour of the Mass<sup>a</sup> Colony Amounting (as Appears by an accompt presented by him in his Life time) to £238.17 may be paid unto the Petitioners, unto whom he has given the Same by his Last Will and Testament

*Resolved*, That one Thousand acres of Land be Granted to the Petitioners in full Consideration of the Accounts mentioned in the s<sup>d</sup> Petition, which the Petitioners may Take up in any Place in the late Colony of the Massachusetts, not Intrenching upon any former Grant or Grants, and Present a Platt thereof made by a Sworn Surveyor to this Court for their Allowance, and Confirmation. [*Passed November 21, 1702.*]

<sup>1</sup> Mass. Archives, xlv., 277.



## CHAPTER 6.

(Province Laws, VII., 369.)

ORDER REQUIRING THE INHABITANTS ON THE EAST SIDE OF THE RIVER AT SPRINGFIELD TO ADVANCE FIFTY POUNDS TOWARDS BUILDING THE MEETING-HOUSE ON THE WEST SIDE, DEDUCTING OUT OF EACH PERSON'S PART WHAT HE HAS ALREADY FREELY ADVANCED.

THE RESOLVE of the Council, pas't the Twelfth Currant, upon the Report of the Committee on the Petition of the Inhabitants of Springfield, on the West side of the River, and sent down to the Representatives for Concurrence Was sent up again from that House, with their Concurrence to the last Paragraph only, referring to the fifty pounds. Which paragraph is in the Words following Viz<sup>t</sup>

*Ordered* That the Inhabitants liveing on the East side of the River do advance and pay the Sum of Fifty pounds towards the charge of building the Meeting House on the West side of the River; Deducting out of each persons ratable part thereof, So much as he has already freely Advanced thereto. [*Passed March 17, 1702*[-3].

Legislative  
Records of the  
Council,  
vii., 370.  
Mass.  
Archives,  
xi., 177.  
Mass.  
Archives,  
xi., 177-181.  
Province  
Laws, vii., 349,  
chap. 33.

## CHAPTER 11.

(Province Laws, VII., 370.)

RESOLVE APPROPRIATING ONE HUNDRED ACRES OF LAND TO THE USE OF THE MINISTRY IN THE TOWN OF SUFFIELD FOREVER, ON CONDITION THAT SAID TOWN GRANT AND LAY OUT AN EQUAL QUANTITY OF LAND TO BENJAMIN RUGGLES, THEIR MINISTER, HIS HEIRS AND ASSIGNS FOREVER.

UPON THE PETITION of M<sup>r</sup> Benj<sup>a</sup> Ruggles Minister of Suffield  
*Resolved*, That one hundred acres of Land be appropriated to the use of the Ministry in said Town for ever

Provided That the Town do forthwith Grant and lay out to m<sup>r</sup> Benjamin Ruggles minister of s<sup>d</sup> Town one hundred acres of Land in s<sup>d</sup> Town as accommodable as may be, to be, to the use of him his heires and assigns for ever. [*Passed March 24, 1702*[-3].

Legislative  
Records of the  
Council,  
vii., 376.  
Mass.  
Archives,  
xi., 178.  
Mass.  
Archives,  
xi., 175.

## CHAPTER 2.

(Province Laws, VIII., 9.)

RESOLVE APPOINTING JOHN WALLEY, AND OTHERS, A COMMITTEE TO EXAMINE AND REPORT UPON SEVERAL DEEDS, WRITINGS AND PAPERS, PRESENTED BY SUNDRY INDIANS OF MARTHA'S VINEYARD, RELATING TO THEIR CLAIMS OF LANDS.

*Resolved* That John Walley John Thacher & John Higginson Esq<sup>rs</sup> be a Committee to be join'd with such as shall be named by the House of Representatives to inspect & examine several Deeds Writings & Papers presented by sundry Indians of Martha's Vineyard &c [relating to their claims of lands].<sup>1</sup> And to minute & report the Contents thereof.

W<sup>ch</sup> Resolve being sent down to the Represent<sup>ves</sup> for their Concurrence was Return'd again with the Agreement of that House thereto, & Cpt. John Otis, M<sup>r</sup> W<sup>m</sup> Gayer & Cpt. Sam<sup>l</sup> Gardner by them named to be of the said Comm<sup>tee</sup>. [*Passed May 28, 1703*.

Legislative  
Records of the  
Council,  
vii., 388.

<sup>1</sup> *Post*, p. 724, chap. 4.



## CHAPTER 4.

(Province Laws, VIII., 10.)

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE DEEDS, WRITINGS AND PAPERS RELATING TO THE INDIAN CLAIMS TO NO MAN'S LAND, SQUIBNESSSET, GAY HEAD NECK, NESSAQUESSET, TACKEMMY SACHEMSHIP, TITTCUTT, ASSAWAMSETT AND NANTUCKET AND APPOINTING A COMMITTEE TO MAKE FURTHER EXAMINATION OF THE SAME (BEING DULY RENDERED BY A PERSON WELL KNOWING THE INDIAN TONGUE), HEAR THE CLAIMANTS AND REPORT AT THE NEXT SESSION, ALL PROCESSES AT LAW TO BE STAYED IN THE MEANTIME.

Legislative  
Records of the  
Council,  
vii., 392.

*Ante*, p. 723.  
chap. 2.

THE COMMITTEE appointed to examine the Indian Papers made their Report in the Words following; Viz,

We the Committee appointed by the Great & General Assembly to inspect & examine the several Deeds Writings & Papers of sundry Indians & to make a Report concerning the same; In Obedience to the said Order We have discoursed the said Indians & Perused their Petitions Deeds & Papers, And find that what is desired is a Confirmation of the Lands to them according to the Wills & Grants of their Dec<sup>d</sup> Sachems; But said Wills not having been proved in due Form of Law, nor drawn up in Form as is usual among the English, It lieth only in the Power of the Court to releive them & to allow or give Orders or Directions for the Allowing of the same, And in Order to a just Proceeding therein We humbly offer to the Consideration of the Great & General Assembly, that all Townships or particular Persons concern'd, that would contest said Wills or lay Claim to any of said Lands be notified, And that they or such as they appoint on their Behalf together with the several Indians concern'd with their Witnesses, appear at this Court at such Time as shall be appointed, where they shall be heard; And that in the Mean Time all Persons concerned whether English or Indians be Ordered to forbear all Proceedings in Law relating to the Premises; And that the Indians Wills & Writings that are in the Indian Tongue be by meet Persons faithfully translated, Or that instead of what is offered, there be a Committee sent to the Places where the English will bear the Charge

SAM<sup>LL</sup> GARDNER  
W<sup>M</sup> GAYER

JOHN THACHER  
JOHN WALLEY  
JOHN OTIS

Josiah Wassaman claims No Mans Land & Squibnesset,  
The Agents of the Right Hon<sup>ble</sup> the Earl of Limerick to be notified.

Mosiah Mottoack claims Gay Head Neck & Nessaquesset,  
The afores<sup>d</sup> Agents & Matt. & Jn<sup>o</sup> Mayo [Mayhew]<sup>1</sup>, & Thomas Harlock to be notified.

Zachariah Peeskym claims Tackemmy Sachemship,  
The Town of Tisbury to be notified.

Charles Ahaz a Mile of Land about or in Titticut.  
The Town of Bridgewater to be notified.

Betty Sawsaman claims Assawamset,  
The Town of Middleborough to be notified.

Four Sachems of Nantucket make a Claim of Feed for Cattle,  
The Town of Sherburn on Nantucket to be Notified.

W<sup>ch</sup> Report afore said being Read,

Ordered, That agreeable thereto, there be a Committee raised of such Gentlemen, within the Counties of Plimouth & Barnstable,

<sup>1</sup> *Post*, p. 732, chap. 6.



Viz, Barnabas Lothrop, John Thacher, Nath<sup>l</sup> Thomas, W<sup>m</sup> Bassett, Isaac Winslow, Stephen Skiffe, John Cushing, & John Otis Esq<sup>rs</sup> They or any five of them (whereof Barnabas Lothrop Esq<sup>r</sup> to be one) to be a Comm<sup>tee</sup> to notify the Persons named in the said Report together with the Indian Claimers to attend them at such Time & Place, as the said M<sup>r</sup> Lothrop shall think fit to appoint, and further to examine the said Deeds, pretended Wills & other Writings, being duly render'd by some Person or Persons well knowing in the Indian Tongue, And upon Hearing the Pleas & Allegations on both Sides to prepare & state the Matters to be laid before this Court at their next Session, If it may be; And that all Process at Law be staid in the mean Time.

And the said Report with the Order pass'd thereon was sent down to the Represent<sup>ves</sup> for Concurrence, & return'd with the Agreement of that House thereto. [*Passed June 2, 1703.*]

## CHAPTER 18.

(Province Laws, VIII., 15.)

ORDER CONTINUING THE LATE COMMITTEE FOR DIRECTING THE SETTLEMENT AND AFFAIRS OF THE PLANTATION OF QUABOAG, ALIAS BROOKFIELD, ADDING MAJ. JOHN PYNCHON IN THE ROOM OF HIS FATHER AND DIRECTING SAID COMMITTEE TO SETTLE THE DIFFERENCE BETWEEN NINEQUABAN AND THE INHABITANTS OF SAID BROOKFIELD AS TO HIS CLAIM OF LAND AND TO PURCHASE HIS RIGHT ON BEHALF OF THE PROVINCE.

Ordered, That the late Committee for directing the Settlem<sup>t</sup> and Affairs of the Plantation of Quaboag al<sup>s</sup> Brookfield be and hereby are continued; And major John Pynchon is hereby added to the s<sup>d</sup> Committee in the room of his Father John Pynchon Esq<sup>r</sup> dece<sup>d</sup> Samuel Partridge Esq<sup>r</sup> to be chairman of the said Committee

And the s<sup>d</sup> Committee are hereby directed & Impowred to hear the matter in difference betwixt Ninequaban Indian and the Inhabitants of s<sup>d</sup> Brookfield referring to his Claim of Land, and to Endeavour to comprimize and adjust the same And to purchase his right on behalfe of the Province. [*Passed July 14, 1703.*]

Legislative  
Records of the  
Council,  
vii., 407.  
Mass.  
Archives,  
cxiii., 345.

*Ante*, p. 667,  
chap. 2.

## CHAPTER 24.

(Province Laws, VIII., 17.)

RESOLVE GRANTING FOUR HUNDRED ACRES OF LAND IN SUFFIELD TO SAID TOWN FOR THE USE OF THE MINISTRY FOREVER.

ON A PETITION of the Town of Suffield Praying that the Farm which the General Court reserved within the Bounds of the said Town may be granted to the Town & sequester'd to the Ministry of the said Town, & to be for that Use for Ever

Resolved, That the four hundred acres of Land or farm within the Town Ship of South feild [*sic*] prayed for, be granted and Sequestred to y<sup>e</sup> use of The minister or ministers of said Town for y<sup>e</sup> time being, and their successo<sup>r</sup>s in y<sup>e</sup> work of y<sup>e</sup> ministry that shall be from time to time orderly Called and Setled by the s<sup>d</sup> Town of southfeild [*sic*] for ever. [*Passed July 17, 1703.*]

Legislative  
Records of the  
Council,  
vii., 410.  
Mass.  
Archives,  
cxiii., 342.

Mass.  
Archives,  
cxiii., 339-344.  
*Ante*, p. 723,  
chap. 11.



## CHAPTER 25.

(Province Laws, VIII., 17.)

ORDERS APPOINTING A COMMITTEE TO JOIN WITH A COMMITTEE FROM CONNECTICUT TO PERAMBULATE THE BOUNDARY LINE BETWEEN THIS PROVINCE AND THAT COLONY, AS RUN BY WOODWARD AND SAFFERY IN 1642; DIRECTING THE TOWNS OF SUFFIELD AND ENFIELD TO ASSERT THE BOUNDS AND RIGHTS OF THEIR TOWNS AS GRANTED BY THIS PROVINCE; AND THE JUSTICES OF THE PEACE OF HAMPSHIRE TO ISSUE WARRANTS FOR ANY OF THE PEOPLE OF WINDSOR WHO SHALL UNLAWFULLY MOLEST OR INTERRUPT THEM IN THEIR POSSESSION, AND ALLOWING SEVEN POUNDS FOURTEEN SHILLINGS OUT OF THE PROVINCE TREASURY TO ENFIELD TOWARDS THE EXPENSES INCURRED BY SAID TOWN IN DEFENCE OF ITS TITLES.

Legislative  
Records of the  
Council,  
vii., 411.

*Ante*, p. 719,  
chap. 17.  
Mass. Bay  
Records,  
i., 1, 4, 237, 323,  
333.

WHEREAS there is Information that by Reason of M<sup>r</sup> [James]<sup>1</sup> Taylours [Taylors]<sup>1</sup> Trying the Line betwixt this Province & Connecticut Colony, Several in the said Colony encourage them selves to make farther Inroads upon the Towns belonging to the Massachusetts Province, though it is very obvious that M<sup>r</sup> Taylour<sup>1</sup> was not rightly inform'd, But did begin to take his Observation distant from the Place he ought to have begun at according to the Line granted in our Charter & the Line that Connecticut Colony was settled by upon us;

*Ordered* That there be four suitable Persons appointed & Impowered by this Court; Viz, Samuel Partridge, Joseph Parsons, Joseph Halley & Major John Pyncheon Esq<sup>rs</sup> to join with a Committee appointed and Impowered by Connecticut Colony to perambulate the Line betwixt us & them against the several Towns next adjacent to the said Line according to the Line formerly run by [Nathaniel]<sup>2</sup> Woodward and [Solomon]<sup>2</sup> Saffery, [in 1642]<sup>2</sup> That so the Towns in either Government, as granted them may be accordingly accomodated, & neither be prejudiced whether soever Governm<sup>t</sup> they belong unto, And that Enfield be allowed the Sum of seven Pounds fourteen Shillings towards their Charge & Expences that they have been put to in Defence of their Titles & Securing their Interests out of the publick Treasury; Further

*Ordered*, That the Inhabitants of the Towns of Suffield & Enfield respectively assert the Bounds & Rights of their Towns as they were granted by the General Court of the late Colony of the Massachusetts Bay; And the Justices of the Peace within the County of Hampshire are hereby directed upon Complaint to them made of any Molestation or Disturbance given to any of the Inhabitants of either of the said Towns in the Improvement of their Lands or Privileges by the People of Windsor to Assist them from Time to Time by making out Warrants or Orders for the Keeping of the Peace, Suppressing any Force, & the Arresting & Imprisoning of such as shall unlawfully molest or interrupt them in their Possessions: [*Passed July 20, 1703.*]

<sup>1</sup> Mass. Archives, ii., 162.

<sup>2</sup> Mass. Archives, Maps and Plans, 3d series, xxxiv. 15.



## CHAPTER 28.

(Province Laws, VIII., 18.)

ORDER APPOINTING A HEARING ON THE PETITION OF MRS. PENNELOPE WINSLOW AS TO THE GRANT OF EIGHT HUNDRED ACRES OF LAND TO CAPT. EDWARD PELHAM, IN RIGHT OF HERBERT PELHAM, ESQ., AND CAPT. THOMAS WALGRAVE, FOR NOTIFYING SAID CAPT. PELHAM AND SUSPENDING SAID GRANT.

ON A PETITION of Mrs Penelope Winslow Praying to be heard with Reference to a Grant renewed by this Court to Cpt. Edward Pelham of Four Hundred Acres of Land anciently granted to Herbert Pelham Esq<sup>r</sup> & Four Hundred Acres to Mr [Thomas]<sup>1</sup> Walgrove:

*Ordered*, That the Hearing of the Petition on the other Side be Referred to the Second Wednesday of the next Session, and that Cap<sup>t</sup> Edward Pelham, be notified to give his Attendance accordingly, and that the laying out of the 800 acres of land mentioned in the Petition, be in the mean time Suspended. [*Passed July 21, 1703.*]

Legislative  
Records of the  
Council,  
vii., 414.  
Mass.  
Archives,  
xlv., 297.

Mass.  
Archives,  
xlv., 296.  
*Ante*, p. 722,  
chap. 68.

## CHAPTER 29.

(Province Laws, VIII., 18.)

ORDER AUTHORIZING SAMUEL MORSE OF SHERBORN AND THOMAS WABAN OF NATICK, AN INDIAN, TO EXCHANGE LANDS IN DEDHAM AND NATICK.

A PETITION of Samuel Morse of Sherburn & Thomas Wabaun (Indian) of Natick, Praying Liberty to make an Exchange of Lands for their mutual Conveniency, Viz, The said Morses Land lying within the Bounds of Dedham in a Place known by the Name of Tom Trays Orchard, bounded with Natick Southerly on his own Land & other Parts Containing Ten Acres, & also an other small Piece of Land lying at the Head of Saw Mill Pond so called within the Bounds of Dedham, the said Wabans Land lying within the Bounds of Natick Township & bounded on all Parts with Natick Lands as it is laid out, Containing ten Acres being Part Meadow & Part Upland;

In the House of Representatives

*Ordered* That the Praier of the Petition on the other Side [be] Granted.

In Council

Read and agreed to Saving the Exchang<sup>d</sup> Lands to lye to Each of the Towns respectively as formerly, the Exchange notwithstanding. [*Passed July 21, 1703.*]

Legislative  
Records of the  
Council,  
vii., 414.  
Mass.  
Archives,  
xlv., 301.

Mass.  
Archives,  
xlv., 300, 303.

<sup>1</sup> *Ante*, p. 722, chap. 68.



## CHAPTER 32.

(Province Laws, VIII., 19.)

ORDER DIRECTING THE PROVINCE TREASURER TO DEFER DEMANDING OF THE CONSTABLES OF SHERBORN THE SUM OF SIX POUNDS FOURTEEN SHILLINGS AND NINE PENCE, PART OF THE PROVINCE TAX, UNTIL THE FURTHER ORDER OF THE GENERAL COURT.

Legislative  
Records of the  
Council,  
vii., 418.  
Mass.  
Archives,  
cxiii., 338.

ON A PETITION of the Select Men of Sherburn, Setting forth that the Town of Framingham hath for two Years last past, Viz, 1701, & 1702, assess'd & collected Part of their Province Tax upon a considerable Number of the Inhab<sup>ts</sup> of said Sherburn, whose respective Proportions in s<sup>d</sup> Sherburn Assessment amounts to six Pounds fourteen Shillings & nine Pence;

*Ordered* That [James Taylor, Esq.,]<sup>1</sup> the Treasurer be Directed to Defer the Demanding of the Sum afores<sup>d</sup> viz 6<sup>lb</sup> 14<sup>s</sup> 9<sup>d</sup> of the Constable of Sherborne, untill this Court Shall give further order. [*Passed July 24, 1703.*]

## CHAPTER 60.

(Province Laws, VIII., 30.)

ORDER APPOINTING A HEARING ON THE PETITION OF WILLIAM MERRICK, AGENT FOR THE TOWN OF HARWICH, RELATING TO SOME OF THE INHABITANTS OF SAID TOWN WHO REFUSE TO PAY THEIR TOWN RATES, ON THE CLAIM THAT THEY BELONG TO MANAMOIT, AND FOR NOTIFYING THE PERSONS CONCERNED.

Legislative  
Records of the  
Council,  
viii., 3.

Mass.  
Archives,  
cxiii., 351-355.

A PETITION of William Merreck [Merrick]<sup>2</sup> Agent for & on behalf of the Town of Harwich within the County of Barnstable, relating to some of the Inhab<sup>ts</sup> of s<sup>d</sup> Place, that refuse to pay their Quotas of Town Rates & Assessments, [claiming they belong to constablerick of Manamoit]<sup>2</sup> was presented & read & a Hearing ordered on Monday the 8<sup>th</sup> <sup>3</sup> Curr<sup>t</sup> The Persons concerned to be notified. [*Passed November 1, 1703.*]

## CHAPTER 62.

(Province Laws, VIII., 30.)

ORDER DECLARING THAT THE HEARING UNDER THE RESOLVE OF NOVEMBER 1<sup>ST</sup>, ON THE PETITION OF THE TOWN OF HARWICH, BE HEARD ON THIS DAY BY CONSENT OF THE PARTIES CONCERNED.

Legislative  
Records of the  
Council,  
viii., 4.  
*Supra*,  
chap. 60.

THE CASE of W<sup>m</sup> Merreck Agent for the Town of Harwich contained in his Petition prefer'd on Monday the first Curr<sup>t</sup> by Consent of Parties, was also now heard. [*Passed November 3, 1703.*]

<sup>1</sup> Province Laws, viii., 122, chap. 19.

<sup>2</sup> Mass. Archives, cxiii., 351.

<sup>3</sup> This hearing was had November 3, by agreement of parties, although the time fixed by this order was November 8. See chapter 62 *post*.



## CHAPTER 64.

(Province Laws, VIII., 31.)

ORDER DIRECTING THAT THE SIX FAMILIES NAMED IN THE PETITION OF THE TOWN OF HARWICH PAY ALL PAST AND FUTURE CHARGES TO SAID TOWN UNTIL THERE BE A MINISTER SETTLED AT MANAMOI, WHEN THIS COURT MAY TAKE FURTHER ORDER.

IN THE CASE of the Town of Harwich and the Village of Manamoit within the County of Barnstable heard on Wednesday the 3<sup>d</sup> current.

Whereas the Persons named in the Petition of Harwich viz<sup>t</sup> Gershom Hall, Benja<sup>a</sup> Hall Samuel Hall Munoa Ellis Joseph Seference and Samuel Nicholson being Pet<sup>rs</sup> with others in the obtaining a Grant of the s<sup>d</sup> Town of Harwich, And there being a Learned Orthodox Minister Settled there.

*Ordered* That the said Six Familys do pay their Arrear's of all pas't charges to the said Town of Harwich, And that they continue to pay their respective Quotas to all future Town charges there; until there be a Learned Orthodox Minister Settled in Manamoit when this Court may take further order. [*Passed November 6,*<sup>1</sup> 1703.

Legislative  
Records of the  
Council,  
viii., 6.  
Mass.  
Archives,  
cxiii., 356.

Legislative  
Records of the  
Council,  
viii., 6.  
*Supra*, p. 728,  
chaps. 60, 62.

## CHAPTER 101.

(Province Laws, VIII., 46.)

ORDER CONFIRMING TO JOHN COOMER, AND OTHERS, A TRACT OF LAND EIGHT MILES SQUARE IN THE NIPMUCK COUNTRY, BETWEEN MENDON, WORCESTER, NEW OXFORD, SHERBORN AND MARLBORÔ, PURCHASED OF JOHN WAMPAS, *ALIAS* WHITE, & COMPANY, INDIANS, SAVING THE LANDS PURCHASED BY THE HAYNES'S AND THE INDIAN PROPRIETY OF HASSANAMISCO, PROVIDED IT INTRENCH ON NO FORMER GRANT, THAT THEY SETTLE THIRTY FAMILIES AND A MINISTER WITHIN SEVEN YEARS AFTER THE END OF THE PRESENT INDIAN WAR, RESERVE THREE HUNDRED ACRES FOR THE FIRST MINISTER, FOUR HUNDRED ACRES FOR THE MINISTRY, TWO HUNDRED ACRES FOR THE SCHOOL AND RETURN A PLAT OF SAME FOR APPROVAL.

ON A PETITION of John Coomer, James Smith, William Mumford & Joshua Hows & Company, Praying a Confirmation of their Right & Title to a certain Tract of Land purchased of John Wampas *alias* White & Company Indians, situate & lying in the Nipmug Country, between the Towns of Mendon, Worcester, New Oxford, Sherburn & Marlborô of Eight Miles square in which is included a Tract of Land of four miles square called Hassanamisco, & possessed by the Indians; Praying a Confirmation of their Right & Title to the said Land by a Grant of this Court,

*Ordered* that the Prayer of the Petition be granted saving the Lands purchased by the Haynes's, & Reserving the Indian Propriety at Hassanamisco, Provided also that they entrench upon no former Grant of the General Court, And that they be obliged to settle a Town of thirty Families & a Minister upon said Lands within seven Years after the End of the present War with the Indians, And reserve three hundred Acres for the first Settled Minister, Four hundred Acres to the Ministry, two hundred Acres for the use of the School, All to be laid out conveniently, the whole Tract to be surveyed by a skillful Surveyor, impowered for

Legislative  
Records of the  
Council,  
viii., 32.

Mass.  
Archives,  
cxiii., 318, 319,  
323, 325; Maps  
and Plans,  
xxxvii., 18.

<sup>1</sup> This date is November 8 in the Legislative Records of the Council.



this Service by Warrant from the Governour, the Tract to begin upon the Line of Marlborô next Hassanamisco; A Plat thereof to be return'd & approved by this Court. [*Passed March 21, 1703*[-4].

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## CHAPTER 68.

(Province Laws, VIII., 89.)

ORDER APPOINTING NATHANIEL THOMAS, ESQ., AND MAJ. WILLIAM BASSETT TO LAY OUT THE BOUNDS OF TISBURY, AND THE INDIAN TOWN, AT SAID TOWNS' CHARGE.

Legislative  
Records of the  
Council,  
viii., 83.  
Mass.  
Archives,  
xxx., 500a.

UPON READING A PETITION of the Inhabitants & Proprietors of Tisbury in Dukes County, Praying that some suitable disinterested Persons may be appointed to run & lay out the Bounds of their Township between them & their Neighbouring Town according to their Patent, And also to settle the Bounds of the Indian Town according to their Deed;

*Ordered*, That Nathan<sup>l</sup> Thomas Esq<sup>r</sup> and Major William Bassett be and hereby are Appointed and Impowred to lay out and run the bounds of the Town's as is within prayed and to Settle the bounds of the Indian Town At the Cost & charge of the s<sup>d</sup> Town's An<sup>d</sup> to make their Report to this Court. [*Passed November 8, 1704.*

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## CHAPTER 119.

(Province Laws, VIII., 107.)

ORDER GRANTING A HEARING TO THE SELECTMEN OF MARLBOROUGH ON THEIR DIFFERENCES WITH SEVERAL PERSONS, DWELLING ON LAND FORMERLY GRANTED DR. JOHN ALCOCK, THAT REFUSE TO BEAR THEIR PROPORTION OF THE TOWN CHARGES.

Legislative  
Records of the  
Council,  
viii., 110.  
Mass.  
Archives,  
cxiii., 366.

ON A PETITION of the Select Men of Marlborough praying to be heard upon a Difference between them & several persons dwelling on the Lands formerly granted to Dr John Alcock lying within the said Township, that refuse to bear their proportion of Town Charges

*Ordered*, That a Hearing be Granted on the Petition above-written, and the Parties concerned notified accordingly. [*Passed February 27, 1704*[-5].

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## CHAPTER 1.

(Province Laws, VIII., 117.)

ORDER PERMITTING THE NATICK INDIANS TO SELL AND CONFIRM UNTO JOHN COLLAR, JR., CARPENTER, A SMALL NOOK OF LAND CONTAINING ABOUT TWO HUNDRED ACRES, LYING REMOTE FROM THEM, IN ORDER TO PAY HIM FOR BUILDING THEIR MEETING-HOUSE, PROVIDED IT DOES NOT EXCEED TWO HUNDRED ACRES, ENCROACH ON MR. WILLIAM BROWN'S LINE, AND THAT THE PLAT AND DEED BE LAID BEFORE THE GOVERNOR AND COUNCIL FOR ALLOWANCE.

Legislative  
Records of the  
Council,  
viii., 122.  
Mass.

UPON READING THE PETITION of her Majesties Subjects the Indian Natives of Natick Praying Licence to sell unto John Collar jun<sup>r</sup> Carpenter a small Nook of their Plantation containing about



Two Hundred Acres according to the Platt annex'd<sup>1</sup> lying remote from them, to pay him self for Building their Meeting House for the Worship of God;

Archives,  
xxx., 504.  
Mass.  
Archives,  
xxx., 503.

In the House of Representatives

*Ordered*, That the Praier of the within Petition be Granted, & the Indians withinmentioned be Allowed to sell and Confirm the land mentioned to John Collar, in satisfaction for his Building them a meetinghouse, according to the Platt thereof Exhibited to this Court not Entrenching upon M<sup>r</sup> W<sup>m</sup> Brown's Line on the northern side of S<sup>d</sup> Land.

Read oct. y<sup>e</sup> 23<sup>th</sup> [*sic*] 1702 In y<sup>e</sup> house of Representatives past & sent up for Concurrence

In the House of Representatives

June 6<sup>th</sup> 1705.

*Ordered* That the vote of this House abovementioned be Revived, & sent up for Concurrence

In Council

Read and concurr'd, Provided the Quantity of Land exceed not two hundred acres And that the Plat and Deed thereof to be made, be laid before the Govern<sup>r</sup> and Council for their allowance.

Agreed to

In the House of Representatives [*Passed June 6, 1705.*]

## CHAPTER 3.

(Province Laws, VIII., 117.)

ORDER APPOINTING A HEARING ON THE AGGRIEVANCE OF ISAAC ATKINS AND OTHERS, TAXPAYERS OF HARWICH, THAT THE CONSTABLE OF MANAMOIT HAS SEIZED SOME OF THEIR ESTATES AND IMPRISONED OTHERS OF THEIR PERSONS FOR NOT PAYING TO HIM, AND THAT MANAMOIT AND HARWICH BE NOTIFIED.

THE AGGRIEVANCE of Isaac Atkins John Ellice Beriah Broadbroke & Joseph Saffarence Setting forth that notwithstanding they have paid their just Dues in all province Taxes to the Town of Harwich from Time to Time ever since the Grant of the said Town, Yet the Constable of Manamoit hath seized some of their Estates & imprisoned others of their Persons for not Paying to him, Praying to be relieved.

Legislative  
Records of the  
Council,  
viii., 124.  
Mass.  
Archives,  
cxliii., 374.  
Mass.  
Archives,  
cxliii., 368-376.  
*Ante*, p. 729,  
chap. 64.

In the House of Representatives.

In Answer to the Petition

*Ordered*, That the Petitioners be heard upon the Grievance mentioned in their Petition on the Second wednesday of the next Session of this Court, That Manamoiet be notified thereof, & in the mean time all Proceedings in the Law be Suspended.

In Council

Read and concurr'd w<sup>th</sup> the Addition that Harwich also be Notified.

[In the House of Representatives.]

Agreed [*Passed June 7, 1705.*]

<sup>1</sup> Not found in Mass. Archives.



## CHAPTER 6.

(Province Laws, VIII., 118.)

ORDER APPOINTING A HEARING ON THE INDIAN CLAIMS TO GAY HEAD, AND OTHER LANDS IN MARTHA'S VINEYARD, DIRECTING THE SHERIFF OF THE COUNTY TO NOTIFY MATTHEW MAYHEW, ESQ., AGENT FOR THE EARL OF LIMERICK, AND SUCH OTHERS AS THE INDIANS SHALL NAME, TO ATTEND AND DEFEND THEIR CLAIMS, ALLOWING THE INDIANS AND THEIR COMPANIONS, DWELLERS ON SAID LANDS, TO BE UNTIL THEN IN PEACE, AND THE WILL OF JOSIAH MATAACK, INDIAN SACHEM, WITH PROOFS THEREOF, TO BE LAID BEFORE THE GOVERNOR AND COUNCIL.

Legislative  
Records of the  
Council,  
viii., 125.  
Mass.  
Archives,  
xxx., 505.  
Mass.  
Archives,  
xxxi., 10.  
*Ante*, p. 724,  
chap. 4.

## In Council

The Report of the Committee heretofore appointed by this Court, to Inquire into the Indian Claims to Lands lying at Martha's Vineyard in Dukes County, Nantucket &c being offered for acceptance. Moses Wills on behalfe of himselfe & the Indians of Gayhead, Sam Assewit on behalfe of himselfe & the Indians Dwelling on Nomans Land (so called) within the said County, attended, Praying to be heard, as to their Challenges.

*Ordered*, That there be a hearing of the said Indians before this Court on the first Tuesday of their next Session, as to their challenge to Gayhead Lands and other Lands in Martha's Vineyard, And that the Sheriffe of the County Notify Matthew Mayhew Esq<sup>r</sup> Agent for the Earle of Limerick, thereof; and such others as the said Indians shall name to him, and Summon them then to attend & defend their claims if any they have. And that the said Indians and their Companions, dwellers on the said Lands be until then in peace, and not molested or disturbed in their Improvements.

And that in the mean time the Will of Josia Mataack Indian Sachem, with the proofes thereof, may be laid before the Governor and Council.

And the Sheriffe of Dukes County aforesaid is hereby Comanded to see this Order duely observed.

In the House of Representatives

Read & Pass:d a Concurrence. [*Passed June 12,*<sup>1</sup> 1705.]

## CHAPTER 9.

(Province Laws, VIII., 119.)

ORDER DIRECTING A PLAT TO BE MADE OF THE PROPOSED TOWNSHIP OF DANGERFIELD, NOT INCLUDING ANY LANDS BELONGING TO EASTHAM OR THE CAPE LANDS IN THE CARE OF THIS COURT, TO BE LAID BEFORE IT AT THE NEXT SESSION.

Legislative  
Records of the  
Council,  
viii., 130.  
Mass.  
Archives,  
cxiii., 390.

ON THE BILL for Granting a Township in the County of Barnstable to be call'd Dangerfield return'd from the Representatives with some Alteration made therein

*Ordered*, That a Plat of the Tract, be taken by a Surveyer General and laid before this Court at their next Session, And that none of the Lands within the bounds of Eastham, nor any of the Cape Lands in the care and disposition of the General Assembly be included therein. [*Passed June 15, 1705.*]

Mass.  
Archives,  
cxiii., 389.

<sup>1</sup> This date is June 11 according to Legislative Records of the Council.



## CHAPTER 10.

(Province Laws, VIII., 120.)

ORDER DIRECTING THE INHABITANTS OF SPRINGFIELD ON THE EAST SIDE OF THE RIVER TO PAY FIFTY POUNDS IN GRAIN AND PROVISION TO THOSE ON THE WEST SIDE; ALLOWING THEM ONE HUNDRED ACRES OF LAND FOR THE USE OF THE MINISTRY AND PROVIDING THAT ALL MINISTERIAL LAND ON EACH SIDE OF THE RIVER SHALL BE FOR THE USE OF THE MINISTRY ON EACH SIDE FOREVER, EXCEPT DURING THE LIFETIME OF MR. DANIEL BREWER, AND AT HIS DECEASE SIX ACRES OF MEADOW ON THE WEST SIDE, CALLED TURTLE PONDS, AND ALL THE LANDS ON THE EAST SIDE SHALL BE TO THE MINISTRY ON THAT SIDE FOREVER, THIS ORDER TO TAKE PLACE THE FIRST DAY OF MARCH NEXT AND NOT AFORE.

IN ANSWER TO THE PETITION [of certain Inhabitants of Springfield]

Legislative  
Records of the  
Council,  
viii., 129.  
Mass.  
Archives,  
xi., 195.

*Ordered* That the Inhabitants of Springfield on the east Side of the River (within two years time) Pay to the Inhabitants, on the west Side of the River, the Sum of fifty Pounds, in Grain, & Provision, and the S<sup>d</sup> Town also Allow, them one Hundred acres of Land for the use of the ministry for ever, on the west side of the River, in some convenient place, or places (not prejudicing former Grants) where the Inhabitants on the west Side of the River, Shall desire the Same.

Mass.  
Archives,  
xi., 196.  
*Ante*, p. 723,  
chap. 6.

And all the Land belonging to the ministry on each side the River, Shall be to the Use of the ministry that are, & Shall be settled on each side of Said River for ever, excepting during the life of m<sup>r</sup> [Daniel]<sup>1</sup> Brewer, their minister, the one halfe of all improved Lands & meadows on the west side of the River, as well as the land on the east side, Shall be to his Use, and after his Decease, shall Revert to the ministry, on the west side, of the River, except the Six acres lot of Meadow, on the west side call'd Turtle Ponds, and the Lands, on the east side of the River, Shall be to the ministry, on that side for ever, together with the six acres of meadow above excepted, This order to Take place, the first day of march next, & not afore. [*Passed June 15, 1705.*]

## CHAPTER 18.

(Province Laws, VIII., 122.)

ORDER APPOINTING A HEARING ON THE PETITION OF JOHN LANE, AND OTHERS, OF BILLERICA (NOT PRIVILEGED MEN) AND THOMAS RICHARDSON AND OTHERS (PRIVILEGED MEN) PRAYING THAT A PROPOSED DIVISION AND ALLOTMENT OF THE COMMON AND UNDIVIDED LANDS, TO THEIR EXCLUSION, MAY BE STAYED, AND STAYING SUCH ACTION TILL SAID HEARING BE HAD.

UPON READING at the Board the Petition of John Lane, John Wilson & Jonathan Bacon in Behalf of them selves & the Rest of the Inhabitants (not being privileged Men) of the Town of Billerica in the County of Middlesex, As also of Thomas Richardson &c privileged Men in the said Town, Setting forth that they have for Many Years past been Inhabitants of the said Town, & paid their Proportion of all Rates Taxes & Town Charges, Notwithstanding which the first Proprietors are about Making a Division & Allotment of their Common & undivided Lands with the

Legislative  
Records of the  
Council,  
viii., 133.  
Mass.  
Archives,  
xiv., 316.

Mass.  
Archives,  
xiv., 315,  
319-321.

<sup>1</sup> Green, Springfield, 1636-1886, p. 193.



Exclusion of the Petitioners, Praying that an Order may be granted to stay their Proceedings in such Division until the Matter be fully heard & finally determined by the General Assembly:

*Ordered* That the Praier of the Petition be Granted So as that a stop be put to the Division till a Hearing be had before this Court, which is Granted to be on the first Tuesday of y<sup>e</sup> next session, the parties to be notified accordingly. [*Passed June 19, 1705.*]

## CHAPTER 22.

(Province Laws, VIII., 124.)

RESOLVE APPOINTING A HEARING UPON THE REPORT OF A COMMITTEE APPOINTED TO CONSIDER AND DRAW UP WHAT MIGHT BE THOUGHT PROPER RELATING TO A PETITION OF MUDDY RIVER TO BE DISMISSED FROM BOSTON AND ADMITTED TO BE A TOWN.

Mass.  
Archives,  
cxiii., 387.

Mass.  
Archives,  
cxiii., 378-387.

[ON THE REPORT of Elisha Cooke and others] the Co<sup>m</sup>mittee appointed to consider & draw up what might be thought proper to lay before the Gen<sup>r</sup>l Court relating to a Petition of sundry of the Inhabitants of Muddy River praying to be dismissed from the town of Boston & admitted to be a town of themselves

In Council, June 15<sup>o</sup> 1705, Read and

*Ordered* a Hearing before this Court, on Tuesday the 19<sup>th</sup> currant And that the Select of men [*sic*] of Boston be Notified thereof.

In y<sup>e</sup> house of Rep<sup>s</sup>entatives

*Resolved* that Since the time of the hearing of y<sup>e</sup> p<sup>r</sup>misses before this Court is Slipt, That there be a hearing thereof on fryday next at Three of y<sup>e</sup> Clock in y<sup>e</sup> afternoon that y<sup>e</sup> Select men of Boston be notified thereof

[In Council]

Agreed to. [*Passed June 20, 1705.*]

## CHAPTER 23.

(Province Laws, VIII., 124.)

ORDER FOR LAYING OUT TO FRANCIS COLLINS OF LONDON, MERCHANT, FIVE HUNDRED ACRES OF LAND IN THE NIPMUCK COUNTRY GRANTED TO HIS FATHER MR. JOHN COLLINS, MINISTER, FORMERLY OF NEW ENGLAND, DECEASED, IN 1683, AND FOR A PLAT OF SAME TO BE LAID BEFORE THIS COURT FOR CONFIRMATION.

Legislative  
Records of the  
Council,  
viii., 127.  
Mass.  
Archives,  
xiv., 314.

Mass.  
Archives,  
xiv., 313.  
Mass. Bay  
Records,  
v., 409.

UPON READING this Day at the Board a Petition of Francis Collins of London Merchant Son & Heir of M<sup>r</sup> John Collins formerly of New England late of London Minister Dec<sup>d</sup> Setting forth that the General Court in the Year 1673 [1683]<sup>1</sup> out of their Respect to the said M<sup>r</sup> John Collins & in Consideration of his Service to this Country did give & grant unto the said M<sup>r</sup> John Collins & his Heirs for Ever Five Hundred Acres of Land in the Nipmug Country, to be laid out to him or his Order with all reasonable Conveniency &c, And whereas the said Land has not yet been laid out, Praying that a Comm<sup>tee</sup> may be appointed to lay out the said Land, & make return to this Court;

There being no return made by the former Committee.

*Ordered* That the above Five hundred acres of Land be laid out

<sup>1</sup> Mass. Bay Records, v., 409.



intire together, in some convenient place in the Nipmug Country by Captain Josia Chapin and Capt<sup>n</sup> John Chandler to touch on the Line of some former Grant, not intrenching on the same, And to lay the Plat thereof before this Court for Confirmation. [*Passed June 20,*<sup>1</sup> 1705.

## CHAPTER 35.

(Province Laws, VIII., 129.)

ORDER REQUESTING THE GOVERNOR TO DEMAND OF THE GOVERNMENT OF CONNECTICUT TO FORBEAR ALL MOLESTATION OF ALL PERSONS UPON THE LAND WHICH FOR MANY YEARS HAS BEEN REPUTED TO BELONG TO THIS PROVINCE UNTIL PEACE SHALL BE RESTORED AND THE CONTROVERSY RIGHTLY ISSUED, HAVING GOOD GROUNDS TO CONCLUDE THE LAST ESSAY WAS MISTAKEN.

IN ANSWER TO THE PETITION [of the town of Suffield]

*Ordered* That a message be Sent up to His Excellency the Governour Requesting him in the name of this Court to Demand of the Government of Connecticott to forbear all molestation, to those persons, that are settled, or may Labour upon the Land, which for many Years, has been reputed to belong to this Province, untill that a time of Peace, Shall be restored, that the Controversy, concerning the Bounds between this Province & that Colony, may be rightly Issued, having good ground to Conclude that the last essay of Stating the s<sup>d</sup> Bounds was mistaken. [*Passed June 27, 1705.*

Legislative  
Records of the  
Council,  
viii., 141.  
Mass.  
Archives,  
cxix., 224.  
Mass.  
Archives,  
cxix., 223.  
*Ante*, p. 726,  
chap. 25.

## CHAPTER 60.

(Province Laws, VIII., 140.)

RESOLVE APPOINTING LIEUT. COL. NOYES, MAJ. SALTONSTALL AND CAPT. TRUE TO JOIN WITH SUCH AS THE GOVERNMENT OF NEW HAMPSHIRE SHALL NOMINATE TO RUN THE LINE BETWEEN THIS PROVINCE AND THE PROVINCE OF NEW HAMPSHIRE, AND DIRECTING THE SECRETARY TO NOTIFY THE GOVERNMENT OF NEW HAMPSHIRE OF SAME.

*Resolved* that three suitable Persons be appointed by this Court to Joine with such as the Government of the Province of New Hampshire shall nominate to run the Line between this Province and the said Province of New Hampshire according to the Charter of this Province & to make Report of their Doings to this Court as soon as may be.

W<sup>ch</sup> Representation & Resolve being sent up from the House of Representatives were Read & Concur'd; And Lieut. Coll. [Thomas]<sup>2</sup> Noyes, Maj<sup>r</sup> Richard Saltonstall & Cpt. Henry True are nominated by the Court a Committee for this Province for the Affair above said, Taking a Surveyour to their Assistance, Lieut. Coll. Noyes to appoint & notify the Rest of the Committee & the Time; And [Isaac Addington, Esq.]<sup>3</sup> the Secretary is Ordered to Acquaint the Government of New Hampshire of this Appointment Desiring them to Nominate a Committee on their Part for the Affair aforesaid. [*Passed October 26, 1705.*

Legislative  
Records of the  
Council,  
viii., 158.

<sup>1</sup> This date is June 13 according to Legislative Records of the Council.

<sup>2</sup> Province Laws, viii., 226.

<sup>3</sup> *Ibid.*, 113.



## CHAPTER 64.

(Province Laws, VIII., 141.)

ORDER DIRECTING THE INHABITANTS OF THE LAND ORDERED BY THE LATE COLONY OF NEW PLYMOUTH TO BE UNDER THE CONSTABLERICK OF MANAMOIET, THOUGH NOT A PART OF THE SAME, TO PAY THEIR TAXES AND CHARGES TO HARWICH UNTIL A MINISTER BE SETTLED AT MANAMOIET, AND THE CONSTABLE OF SAID MANAMOIET TO RETURN THE RATES COLLECTED FROM THEM SINCE NOVEMBER, 1704, TO THE PERSONS FROM WHOM THEY WERE TAKEN.

Legislative  
Records of the  
Council,  
viii., 163.  
Mass.  
Archives,  
cxiii., 374.

UPON CONSIDERATION of what was Alledg'd by the Agents of Harwich, and Manamoiet, at the Hearing Granted to them before this Court, upon the last day, of the last month.

Mass.  
Archives,  
cxiii., 377.  
*Ante*, p. 729,  
chap. 64; p. 731,  
chap. 3.

*Ordered* That all Those who are, or hereafter shall be Inhabitants of that Tract of Land, formerly Ordered by the Government of the late Colony of new Plymouth, to be under the Constablerick of manamoiet, which was not part of the purchased Land called manamoiet, shall Pay their respective Quotas of all Province, and Town charges, to the Town of Harwich, untill there be a learned orthodox minister Setled in manamoiet, when this Court may take further order. And the Severall Sums of money, Taken for Rates, by the Constable, or Constables of manamoiet from any of the Inhabitants, of the afores<sup>d</sup> Tract of Land, Since the order of this Court, in novem<sup>r</sup> last, respecting the s<sup>d</sup> Towns of Harwich and manamoiet, Shall be Returned to the persons respectively from whom they were Taken, by the s<sup>d</sup> Town of manamoiet, which being done no trouble, shall be given to the Constable, or Constables of manamoiet for his or their Proceedings in the affair aforesaid. [*Passed November 3, 1705.*]

## CHAPTER 72.

(Province Laws, VIII., 144.)

VOTE GRANTING A PATENT UNDER THE PUBLIC SEAL<sup>1</sup> TO THE INHABITANTS OF PAWMET, CAPE COD, TO BE A TOWN BY THE NAME OF DANGERFIELD ON CONDITION THAT FORTY FAMILIES ARE SETTLED AND AN ABLE ORTHODOX MINISTER WITHIN THREE YEARS, AND THAT THERE BE NO OTHER LANDS WITHIN SAID TOWNSHIP BUT THE GRANT AND PURCHASE BELONGING TO THE OLD COMERS AND WHAT IS RESERVED TO THE INDIANS TO REMAIN TO THEM FOREVER WITH RIGHT OF COMMONAGE.

Legislative  
Records of the  
Council,  
viii., 159.  
Mass.  
Archives,  
cxiii., 388.

*Ante*, p. 732,  
chap. 9.

WHEREAS there are about Thirty Familys Setled upon a certain Tract of Land commonly called Pawmet on Cape Cod between the Province Lands at the extremity of the Cape reserved for the Fishery and the Lands of Eastham on the South, Extending North-erly so far as the Land called the Purchasers Land extends over the Harbour called the Eastern harbour according to the known boundaries thereof, And so extending for the breadth of it from Sea to Sea crosse the Neck of Land commonly called Cape-Cod within the County Barnstable, being heretofore reserved to the old Comers and now Setled & possessed by them & their Assignes; And is humbly prayed of the General Assembly may be Erected into a Town and have all priviledges equal with other Towns'.

<sup>1</sup> The "patent under the public seal" promised by this vote was never issued, probably because of the failure of one or more of the conditions. On the 16th of July, 1709, however, an act was passed erecting Pawmet into a township by the name of "Truroe." — Province Laws, i., 642, chap. 4.



[Voted] The said Adresse and Petition is Granted, Provided they be Forty Familys' Setled and an able Orthodox Minister within three years next comeing, And that there be no other Lands within their s<sup>d</sup> Township but the Grant and Purchase abovesaid belonging to the old Comers, And that what is reserved to the Indian Inhabitants, yet unsold, Tillage, Meadows & Woodland, be not purchased or taken from the Indians, but remain to them & their heires forever; And that the Indians have free commonage in the Waste of the said Town with other the Inhabitants, and, when the same shallbe Stinted, reasonable Commonage nevertheless If the General Assembly shall hereafter see cause to licence the Indians to Sell their Land or part thereof, the Inhabitants of the s<sup>d</sup> Town shall have the pre-Emption And that the Petitioners have a Patent under the Publick Seal for their Town by the Name of Dangerfield, upon the Condition abovesaid. [Passed November 13,<sup>1</sup> 1705.]

## CHAPTER 73.

(Province Laws, VIII., 145.)

ORDER GRANTING THE POWERS AND PRIVILEGES OF A TOWNSHIP BY THE NAME OF BROOKLINE TO THE INHABITANTS OF MUDDY RIVER, WHO ARE ENJOINED TO BUILD A MEETING-HOUSE AND OBTAIN A MINISTER WITHIN THREE YEARS, PROVIDED THAT ALL COMMON LANDS BELONGING TO THE TOWN OF BOSTON, WITHIN SAID MUDDY RIVER, NOT DISPOSED OF OR ALLOTTED OUT, SHALL STILL REMAIN TO THE PROPRIETORS OF SAID LANDS.

ON THE PETITION of Samuel Sewall, jr., and others, inhabitants of Muddy River to be established as a separate village or peculiar and be invested with such Powers and Rights as they may be enabled to manage the general affairs of the said place.

Ordered That the Praier of this Petition be Granted and the Powers and Priviledges of a Township be Given to the Inhabitants of the Land commonly known by the name of Muddy River, The Town to be called Brookline, who are hereby Injoined to Build a Meeting House and Obtain, an able orthodox minister according to Direction of the law, to be settled amongst them, within the Space of three Years next coming.

Provided That all common Lands belonging to the Town of Boston, lying within the Bounds of the said Muddy-River, not Disposed of, or allotted out, shall still remain to the Proprietors of the said Lands. [Passed November 13,<sup>2</sup> 1705.]

Legislative  
Records of the  
Council,  
viii., 167.  
Mass.  
Archives,  
cxiii., 379.

Mass.  
Archives,  
cxiii., 378.  
*Ante*, p. 734,  
chap. 29.

## CHAPTER 77.

(Province Laws, VIII., 146.)

ORDER GRANTING A HEARING ON THE PETITION OF THE SELECT-MEN OF MARLBOROUGH AS TO WHETHER THOSE MEN DWELLING ON THE FARM FORMERLY BELONGING TO DR. JOHN ALCOCK OF ROXBURY, A COUNTRY GRANT, ARE "OF US OR NOT OF US" AS TO TOWN CHARGES.

ON THE HUMBLE PETITION: of the Select Men of the Toun of Marlborough Humbly shewing: That Docter John Alcock of Rox-bury was possessed of a Farm that was a Country grant within the

Mass.  
Archives,  
cxiii., 366, 367.  
*Ante*, p. 730,  
chap. 119.

<sup>1</sup> This date is October 29 according to Legislative Records of the Council.

<sup>2</sup> This date is according to Legislative Records of the Council as Mass. Archives date is mutilated.



Bounds of Marlboroughs Tounship: the lands of the sd toun lying round about: and it is near the inhabited part of the toun: But in those late years: Severall Men have purchased Sd Farm and are Dweling upon it: who Judg themselvs Fre from our Toun Charges: though within us: and nesar the body of the Toun then many of the Touns proprietors are: These Men on sd Farm Refuse to pay to our School Charges to Representatives to highwaies and any thing that is Toun Charg: and Say We havnothing to doe to Rate them and will not pay ther parts with us to any Toun Consern: if your Honors will pleas to Determin this Mater: and Say they shal be of (us or not of us:) or not fre from Toun Charg or Obliged to bear their Equal proportion with us: it will Suffic us: only pleas to End the Contryvery for many acers ar behind and our Constables think they Cannot warantably Com at them And we your Humble petitioners shall as bound in Contiens ever pray for Devin Conduct in your Great Concerns and at Such a time as this is; by Order of the Toune, and the Select Men:

ABRAHAM WILLIAMS Toun Clerk

In the House of Representatives, June 8, 1705

*Ordered* That a Hearing be Granted on the Petition on the other Side on the first friday of the next session of this Court, and that the Parties concern'd be notified accordingly.

In Council, November 16, 1705.

Agreed to be continued to the same day in the next Session.

In the House of Representatives

[Read and] concurred. [*Passed November 16, 1705.*]

## CHAPTER 80.

(Province Laws, VIII., 148.)

ORDER DECLARING THAT CAPT. JOHN LANE, AND OTHERS, FREEHOLDERS AND INHABITANTS OF THE TOWN OF BILLERICA, BE ENTITLED TO A PROPORTIONABLE SHARE WITH THE COMMONERS, PROPRIETORS AND INHABITANTS OF SAID TOWN, IN ALL FUTURE DIVISIONS OF THE UNDIVIDED AND WASTE LANDS ACCORDING TO THEIR PROPORTION TO THE TOWN CHARGES OF SEVEN YEARS PAST.

Legislative  
Records of the  
Council,  
viii., 169.  
Mass.  
Archives,  
xiv., 330.

Mass.  
Archives,  
xiv., 322-334.  
*Ante*, p. 733,  
chap. 18.

IN THE CASE of Captain John Lane Jonathan Bacon John Wilson & others of the Town of Bilrica Petitioners of the one part; And Captain Jonathan Danforth and L<sup>t</sup> John Stearnes a Committee of the Proprietors (so called) on the other part; Praying to be admitted to Shares in the Commons and Waste Lands of the said Town, heard before the whole Court

*Ordered* That Captain John Lane and other the Petitioners that are Freeholders and Inhabitants of the said Town of Bilrica be Entitalid to and have a proportionable Share, with other the Commoners Proprietors and Inhabitants of the said Town in all future Divisions of all undivided and Waste Lands belonging to the said Town, according to their proportion to the Town charges for the space of Seven years's passed. [*Passed November 16,<sup>1</sup> 1705.*]

<sup>1</sup> This date is according to Legislative Records of the Council as Mass. Archives has none.



## CHAPTER 86.

(Province Laws, VIII., 150.)

ORDER APPOINTING JONATHAN TYNG, ESQ., AND OTHERS, A COMMITTEE TO HEAR THE ALLEGATIONS OF BOTH PARTS OF THE TOWN OF LANCASTER AS TO THE SITUATION OF THEIR MEETING-HOUSE, ETC.

[ON THE PETITION of several of the Inhabitants of Lancaster] who dwell on the West side of the River Fronting towards the Enemy, and have suffered very much and are diminished in their number several heads of Families having been cutt off within these few years, and when the Enemy were there about 17 or 18 months ago, they burnt down the Meeting house, which always stood on the West side [of] the River. Nowsoitis (may it please this great & General Assembly) that those of the Inhabitants who dwell on this side [of] the River (Several of whom are removed for fear of the Enemy unto the bounds of Marlborough) use all their Endeavour to have the Meeting house built on this side, whereas the Meeting-house Ground & the Ministerial Land & Meadow are both on the otherside, and moreover, should the Meeting house be built on this side, the Enemy might come, when the Inhabitants were at Meeting and destroy the whole Western part and secure the Bridge so that nobody should be able to resist them or Relieve their Friends. But the Meeting house being built on the West and Exposed side (as it used to be) the Inhabitants on that side are a Guard to the others on this side as well as to themselves notwithstanding these reasons (which yo<sup>r</sup> Petitioners humbly hope will have their due Considera<sup>on</sup> in this Hon<sup>ble</sup> House) they of this side having never had a man kill'd in the service, are grown so numerous, that they outvote yo<sup>r</sup> Petitioners, and carry it against them at their Town Meetings.

*Ordered* That Jonathan Tyng, James Converse, Thomas Browne, and James Minot Esq<sup>s</sup> be a Committee to hear the Allegations of both parts of the Town referring to the Situation of their meeting House, Jonathan Tyng Esq<sup>r</sup> to appoint the time & place for the Committee<sup>s</sup> meeting.

And to Report their doings to this Court at their next Session.  
[*Passed November 30, 1705.*]

Legislative  
Records of the  
Council,  
viii., 175.  
Mass.  
Archives,  
xi., 200.

Mass.  
Archives,  
xi., 200.

## CHAPTER 1.

(Province Laws, VIII., 165.)

RESOLVE APPOINTING A HEARING ON THE PETITION OF THE INHABITANTS OF THE WEST SIDE OF THE TOWN OF LANCASTER AS TO THE SITUATION OF THEIR MEETING-HOUSE.

UPON READING this Day at the Board a Petition of several of the Inhabitants of the Town of Lancaster, on Behalf of them selves & the Rest of the Inhabitants on the West Side of the said Town, referring to the Scituation of their Meeting House, the Consideration whereof was refer'd to a Committee at a former Session of this Court, Praying a Determination of that Affair:

*Resolved* That both parts of the Town of Lancaster, be heard before the whole Court, on Friday the 7<sup>th</sup> of June next, by their Committees, referring to the Situation of their Meeting House, and that they be Notified to attend accordingly. [*Passed June 1,<sup>1</sup> 1706.*]

Legislative  
Records of the  
Council,  
viii., 192.  
Mass.  
Archives,  
xi., 207.

Mass.  
Archives,  
xi., 208-210.  
*Supra*,  
chap. 86.

<sup>1</sup> This date is May 31 according to Legislative Records of the Council.



## CHAPTER 29.

(Province Laws, VIII., 176.)

ORDER DIRECTING THE INHABITANTS OF THE EAST PART OF BRIDGEWATER AND THE PROPRIETORS OF THE LAND BETWEEN WEYMOUTH, HINGHAM, SCITUATE AND BRIDGEWATER WHO DESIRE TO BECOME A TOWNSHIP TO BRING IN A PLAT OF SAME AT THE NEXT SESSION.

Legislative  
Records of the  
Council,  
viii., 215.

UPON READING A PETITION of several of the Inhabitants of the East Part of the Town of Bridgewater, & Proprietors of a certain Tract of Land between the Towns of Weymouth, Hingham, Scituate, & Bridgewater, Praying to be made a Township;

*Ordered* that the Petitioners bring in a Plat of the Land contained in the Petition to be laid before this Court at their next Session. [*Passed July 4, 1706.*]

## CHAPTER 32.

(Province Laws, VIII., 177.)

ORDER APPOINTING A HEARING UPON THE MEMORIAL OF JOHN LEVERETT, ESQ., SETTING FORTH THAT ENCROACHMENTS HAVE BEEN MADE ON THE INDIAN PLANTATION OF PUNCAPOAG, AND SUSPENDING PROCEEDINGS RESPECTING THE SAME IN THE MEANTIME.

Legislative  
Records of the  
Council,  
viii., 216.  
Mass.  
Archives,  
xxxi., 33.

UPON THE MEMORIAL of John Leverett Esq<sup>r</sup> Setting forth that Encroachments have been made on the Indian Plantation of Puncapaug;

Mass.  
Archives,  
xxxi., 31-34.  
Executive  
Records of the  
Council,  
iv., 270.

*Ordered* That the Severall Parties, concern'd be heard upon the affair, referr'd to, in the Memorial on the other Side, upon the Second Day of the next Session of this Court, and be notified accordingly, And that no Proceeding be had in the Law, respecting the Within-mentioned Lands, and that the Ter Tenants make no new and further Improvem<sup>ts</sup> by building or breaking up of Land untill this Court have given their Determination thereon. [*Passed July 5, 1706.*]

## CHAPTER 40.

(Province Laws, VIII., 179.)

ORDER APPOINTING A HEARING UPON THE PETITION OF CAPT. JONATHAN DANFORTH AND LIEUT. JOHN STEARNS, AGENTS FOR THE PROPRIETORS OF BILLERICA, AS TO THE COMMON OR WASTE LANDS IN SAID TOWN, THE PARTIES TO BE NOTIFIED ACCORDINGLY.

Legislative  
Records of the  
Council,  
viii., 220.  
Mass.  
Archives,  
xlv., 338.

[UPON THE PETITION of Capt. Jonathan Danforth, and Lieut. John Stearns, Agents of the Proprietors of Billerica, the Answer of Capt. John Lane and others to the same and the Reply of the Petitioners as to the common and waste land in said Town.]

Upon Consideration of the answer of Cap<sup>n</sup> John Lane &c<sup>a</sup> to the above Petition, & of the Reply of the Petition<sup>rs</sup> thereunto.

Mass.  
Archives,  
xlv., 335-337.  
*Ante*, p. 738,  
chap. 80.

*Ordered* That a Hearing be Granted upon this Petition, on the 2<sup>d</sup> Friday of the next session of this Court, the parties to be notified accordingly. [*Passed July 12, 1706.*]



## CHAPTER 55.

(Province Laws, VIII., 185.)

ORDER APPOINTING A HEARING UPON THE PETITION OF JOSEPH WELD, NATHANIEL BREWER, AND OTHERS, INHABITANTS OF THE WESTERLY PART OF ROXBURY, PRAYING TO BE SET OFF AS A SEPARATE PRECINCT OR PARISH, WITH LIBERTY TO ERECT A MEETING-HOUSE AND FOR NOTIFYING THE SELECTMEN OF SAID TOWN.

UPON READING THE PETITION of Joseph Weld, Nathaniel Brewer, & several of the Inhabitants of the Westerly Part of the Town of Roxbury, Praying a Line to be assign'd them for a seperate Precinct or Parish, with Liberty to erect a Meeting House for the publick Worship of God:

*Ordered* that the Select Men of Roxbury be notified of this Petition, & have a Copy thereof given them; And that they make Answer thereto at the next Session of this Court. [*Passed August 8, 1706.*]

Legislative  
Records of the  
Council,  
viii., 227.

Mass.  
Archives,  
xi., 206.

## CHAPTER 77.

(Province Laws, VIII., 193.)

ORDER REFERRING THE CONSIDERATION OF THE COMPLAINT OF THE INTRUSIONS ON THE INDIAN PLANTATION OF PUNCAPOAG TO THE NEXT SESSION, THE OCCUPANTS NOT TO MAKE STRIP OR WASTE IN THE INTERIM.

UPON CONSIDERATION of the Complaint of Intrusions made on the Indian Plantation of Puncapoag, heard before this Court yesterday.  
In the House of Representatives

*Ordered*, That the Consideration of the affair of Puncapoag be Referred to the next session.

In Council

Read and Concurr'd, The Occupants not to make Strip or waste, in the Interim.

[In the House of Representatives] Agreed. [*Passed September 4,<sup>1</sup> 1706.*]

Legislative  
Records of the  
Council,  
viii., 227.

Mass.  
Archives,  
xxi., 39.

Mass.  
Archives,  
xxi., 36-38.

## CHAPTER 91.

(Province Laws, VIII., 198.)

ORDER APPOINTING A HEARING UPON THE PETITION OF THE INHABITANTS OF LONGMEADOW, IN SPRINGFIELD, PRAYING TO BE ALLOWED TO BUILD A MEETING-HOUSE AND SETTLE A MINISTER, THE PARTIES CONCERNED TO BE NOTIFIED.

ON A PETITION of the Inhabitants of Long Meadow within the Town of Springfield, Praying to be Allowed to build a Meeting House, & Settle a Minister among them selves.

*Ordered* That a Hearing be Granted thereon upon the Second wednesday, of the session of this Court in May next, and the Parties concerned be notified accordingly. [*Passed October 30, 1706.*]

Legislative  
Records of the  
Council,  
viii., 249.

Mass.  
Archives,  
xi., 214.

Mass.  
Archives,  
xi., 215-217.

<sup>1</sup> This date is August 9 according to Legislative Records of the Council.



## CHAPTER 93.

(Province Laws, VIII., 199.)

ORDER ADJOURNING TO FRIDAY THE 8<sup>TH</sup> OF NOVEMBER NEXT, THE HEARING APPOINTED TO BE HEARD TOMORROW OF THE CASE OF THE TOWN OF BILLERICA AS TO COMMON OR WASTE LANDS.

Legislative  
Records of the  
Council,  
viii., 250.

*Ante*, p. 740,  
chap. 40.

*Ordered* that the Hearing of the Case of the Town of Billerica [as to common or waste lands]<sup>1</sup> appointed to be heard To Morrow, be adjourn'd to Fryday the 8th of Novemb<sup>r</sup> next. [*Passed October 31, 1706.*]

## CHAPTER 94.

(Province Laws, VIII., 199.)

ORDER APPOINTING A HEARING OF THE TOWN OF ROXBURY UPON THE PETITION OF THE INHABITANTS OF THE WEST END OF SAID TOWN PRAYING TO BE MADE A SEPARATE PRECINCT FOR THE MINISTRY AND ORDERING NOTICE TO BE SERVED ON THE SELECTMEN, WHO SHALL CALL A TOWN MEETING THAT THEY MAY CHOOSE SOME PERSON OR PERSONS TO GIVE THEIR ANSWER TO THIS COURT.

Legislative  
Records of the  
Council,  
viii., 251.  
Mass.  
Archives,  
xi., 220.

*Ante*, p. 741,  
chap. 55.

*Ordered* That the Town of Roxbury be heard before this Court upon Friday the Eighth current at Ten in the morning, upon the Petition of their West-End Inhabitants, Praying to be Set off by a Separate Precinct for the Ministry. If any thing they have to Object.

And the Petitioners are to serve the Selectmen with the Copy of this order, who Shall Call a Town Meeting assoon as may be, & Communicate this order & the Petition, to the Town, that they may Appoint, Some person, or persons to give their answer to this Court on the day aforesd. [*Passed November 2,<sup>2</sup> 1706.*]

## CHAPTER 95.

(Province Laws, VIII., 200.)

ORDER REMOVING THE RESTRICTION ON PROCEEDING WITH THE FINISHING OF THE MEETING-HOUSE IN LANCASTER IN THE PLACE WHERE THEY HAVE RAISED A FRAME FOR THAT USE.

Legislative  
Records of the  
Council,  
viii., 252.  
Mass.  
Archives,  
xi., 219.

*Ante*, p. 739,  
chap. 1.

UPON READING THE PETITION of John Houghton Representative of the Town of Lancaster, Praying that the Restriction may be taken off against the said Towns Proceeding in the Finishing of their Meeting House in the Place where they have raised a Frame for that Use, with the Order pass'd thereon by the House of Representatives;

*Ordered* That the Prayer of the s<sup>d</sup> Petition be Granted. [*Passed November 2, 1706.*]

<sup>1</sup> *Ante*, p. 740, chap. 40.

<sup>2</sup> This date is November 1 according to Legislative Records of the Council.



## CHAPTER 99.

(Province Laws, VIII., 201.)

ORDER APPOINTING NATHANIEL BYFIELD, ESQ., AND OTHERS, A COMMITTEE TO GO UPON THE ANCIENT STAKED LINE OF THE BOUNDARIES BETWIXT THIS PROVINCE AND THE COLONY OF RHODE ISLAND AND PROVIDENCE PLANTATION TO THE EXTENT OF THE LATE COLONY OF THE MASSACHUSETTS BAY, ACCORDING TO THE GRANT AND ROYAL CHARTER OF THE PROVINCE, TO RENEW THE BOUND MARKS WHEN NEEDED, AND DESIRING THE GOVERNOR TO WRITE THE GOVERNMENT OF RHODE ISLAND TO ACQUAINT THEM OF THE SAME, THAT THEY MAY APPOINT PERSONS TO ATTEND IF THEY SEE FIT AND GIVE THE NECESSARY ORDERS TO PREVENT THE PEOPLE MAKING ANY ENCROACHMENTS OR DISTURBANCE.

UPON READING this Day at the Board a Complaint exhibited by the Select Men of Mendon of Encroach<sup>ts</sup> & a Claim made by the Inhabitants of Providence, on pretence of an Indian Deed, to near one Half of the Township of Mendon, & other Lands lying within this Province;

*Ordered* that Nathaniel Byfield & Nathaniel Payne Esq<sup>rs</sup> M<sup>r</sup> Nathaniel Blagrove, Major Samuel Thaxter, & Cpt: John Ware or any three of them be a Committee to go upon y<sup>e</sup> Ancient staked Line of the Boundaries betwixt this Province, & the Colony of Rhode Island & Providence Plantation, to the Extent of the late Colony of the Massachusetts Bay, according to the Grant & Royal Charter of this Province, And to Renew the Bound Marks, where there shall be Need;

And that His Excellency [Joseph Dudley]<sup>1</sup> the Govern<sup>r</sup> be desired to write to the Govern<sup>t</sup> of Rhode Island, to Acquaint them with the Courts Appointm<sup>t</sup> of a Committee for the Service afore said, That they may appoint Persons on the Part of that Government, If they think fit, to attend at the Time & Place to be Agreed upon by Ours, to see & take Knowledge of our Line, That their Govern<sup>t</sup> may give the necessary Orders to restrain their People from Making any Encroachm<sup>t</sup> or Disturbance;

The said Committee to make Report of their Doings to this Court at their next Session after they have perform'd the said Service. [*Passed November 6, 1706.*]

Legislative  
Records of the  
Council,  
viii., 253.

Mass. Bay  
Records, i., 1, 4.

## CHAPTER 101.

(Province Laws, VIII., 201.)

RESOLVE DECLARING THAT THE ORDER OF NOVEMBER, 1705, RELATING TO COMMONERS' RIGHTS IN BILLERICA SHOULD NOT BE CONSTRUED TO INCLUDE LANDS PURCHASED FROM CAMBRIDGE, OR ANY PERSONS NOT SETTLED INHABITANTS OF BILLERICA SEVEN YEARS BEFORE SAME, SAVING THOSE ADMITTED TO SHARES BY THE PROPRIETORS.

FOR EXPLANATION OF THE ORDER of this Court made at their Session begun the 24<sup>th</sup> of October 1705 Viz<sup>t</sup> That Captain John Lane and others, then Petitioners, that are Freeholders and Inhabitants of the Town of Bilrica, be Entitled to a proportionable Share, with other the Commoners, Proprietors and Inhabitants of the said Town in all future Divisions of all undivided and Waste Lands belonging to the said Town according to their proportion to the Town Charges for the space of Seven year's past.

Legislative  
Records of the  
Council,  
viii., 256.  
Mass.  
Archives,  
xiv., 340.

*Ante*, p. 738,  
chap. 80; p. 742,  
chap. 93.

<sup>1</sup> Province Laws, viii., 161.



*Resolved* That the said Order be not intended, nor be construed to Extend to the Lands that were purchased of Cambridge; nor to any persons that were not Settled Inhabitants of the said Town of Bilrica by the Space of Seven year's before the date of the said Order, other than such as have been admitted to shares by the Proprietors. [*Passed November 13,*<sup>1</sup> 1706.]

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## CHAPTER 102.

(Province Laws, VIII., 202.)

ORDER DIRECTING THE PROPRIETORS, PURCHASERS AND INHABITANTS OF THE EASTERMOST PART OF BRIDGEWATER AND THE LANDS ADJOINING WHO DESIRE TO BE MADE A TOWNSHIP TO MAKE A SUBSCRIPTION OF WHAT THEY ARE WILLING TO PAY ANNUALLY TOWARDS THE SUPPORT OF A MINISTER AND PRESENT THE SAME TO THIS COURT FOR FURTHER CONSIDERATION OF THE PETITION.

Legislative  
Records of the  
Council,  
viii., 258.

*Ante*, p. 740,  
chap. 29.

IN ANSWER TO THE PETITION of the Inhabitants of the Eastermost Part of the Town of Bridgewater & sev<sup>ll</sup> other Proprietors of Land adjoining, Praying to be made a Township;

*Ordered* that the Proprietors Purchasers & Inhabitants take Care to make a Subscription of what they are capable & willing to pay annually for the Support of an able learned & orthodox Minister, & present the same to this Court at their next Session, If they can accomplish it so soon, When the Court will proceed to the further Consideration of what is pray'd for their Encouragem<sup>t</sup>. [*Passed November 15, 1706.*]

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## CHAPTER 105.

(Province Laws, VIII., 203.)

ORDER APPOINTING NATHANIEL PAINE, ESQ., AND OTHERS, A COMMITTEE TO INQUIRE WHETHER THERE IS ANY LAND TO BE HAD IN EXCHANGE FOR PART OF THE LANDS IN TIVERTON, FORMERLY BELONGING TO DANIEL WILCOX, THAT WILL BE MORE ACCOMMODABLE FOR THE SETTLEMENT OF THE INDIANS.

Legislative  
Records of the  
Council,  
viii., 261.  
Mass.  
Archives,  
xxxi., 15a.

Mass.  
Archives,  
xxxi., 15.  
Province  
Laws, vii., 271,  
chap. 80.

ON A PETITION of several Indians now settled upon the Lands [in Tiverton formerly belonging]<sup>2</sup> to Daniel Wilcox, Praying that Part thereof may be exchanged for other Lands the better to accomodate their Settlement,

*Ordered* That Nathaniel Paine & Benj<sup>a</sup> Church Esq<sup>rs</sup> Capt Seth Arnold, & M<sup>r</sup> Will<sup>m</sup> Fobes or any three of them be a Committee to make Inquiry whether there is any Land to be had in Exchange for the Land mentioned in this Petition that will be more accomodable for the settlement of the Indians, and if they can find Such to Report their Doings to this Court, the charge of the Committee in performing this Service to be paid by the petitioners. [*Passed November 19, 1706.*]

<sup>1</sup> This date is November 12 according to Legislative Records of the Council.

<sup>2</sup> Mass. Archives, xxxi., 15.



## CHAPTER 108.

(Province Laws, VIII., 204.)

ORDER APPOINTING A HEARING ON THE PETITION OF TOPSFIELD SETTING FORTH THEIR DIFFERENCE WITH BOXFORD OVER MR. ENDICOTT'S AND CAPT. GOLD'S FARMS, THAT THEY CONTINUE IN THE SAME STATE AS DIRECTED BY THE LAST RESOLVE AND THAT BOXFORD BE NOTIFIED.

UPON READING at the Board a Petition of John Gould & c a Committee of the Town of Topsfield, Setting forth a Difference between that Town & Boxford with Reference to M<sup>r</sup> Endicots Farm & Cpt: Golds Farm, To which of the Townships they do of Right belong, Praying a Hearing before this Court;

*Ordered* That the Farms within-mentioned continue to be in the same State as is Directed by the last Resolve pass'd by this Court, until the General Assembly shall order otherwise.

And that a Hearing of both the said Town's of Topsfield and Boxford be attended on the Second Friday of the next Session of this Court. The Pet<sup>rs</sup> to cause the Select men of Boxford to be Served with a Copy of this Order. [*Passed November 26,*<sup>1</sup> 1706.]

Legislative  
Records of the  
Council,  
viii., 264.  
Mass.  
Archives,  
cxiii., 399.

Mass.  
Archives,  
cxiii., 398.  
*Ante*, p. 718,  
chap. 13.

## CHAPTER 113.

(Province Laws, VIII., 205.)

ORDER APPOINTING COL. SAMUEL CHECKLEY, AND OTHERS, A COMMITTEE TO VIEW THE TOWN OF ROXBURY, TAKING WITH THEM THE SELECTMEN, AND REPORT THE MOST ACCOMMODABLE LINE FOR THE PETITIONERS, WHERE IT WILL NOT GREATLY DAMNIFY THE EASTERLY INHABITANTS AS TO THE SUPPORT OF THE MINISTER ALREADY SETTLED AND THE VALUATION OF THE INHABITANTS ON EACH SIDE OF SAID LINE.

UPON THE PETITION of sev<sup>ll</sup> Inhabitants in the West End of the Town of Roxbury, [to be set off as a separate precinct for the ministry].<sup>2</sup>

*Ordered* that Coll. Samuel Checkley, Cpt: Thomas Oliver, M<sup>r</sup> Jonas Bond, Cpt: Thomas Vose, & M<sup>r</sup> John Fuller be a Committee to join with such as the Hon<sup>ble</sup> Board shall appoint, to view the s<sup>d</sup> Town taking with them the Select Men for their Information, And make Report to this Court next May, Where they judge it most accomodable for a Line for the Petitioners, where it will not greatly damnify the Easterly Inhabitants as to the Support of the Minister already settled, W<sup>ch</sup> Line being considered with the Valuation that will then be return'd of the Inhabitants on each Side the said Line, The Court may then settle the same.

W<sup>ch</sup> Order being Read at the Board, was Agreed to, And Elisha Hutchinson, Samuel Sewall, Penn Townsend & Ephraim Hunt Esq<sup>rs</sup> were appointed to be of the Committee in the Affair afore said, Elisha Hutchinson Esq<sup>r</sup> to appoint & Notify the Rest of the Committee of the Time. [*Passed November 30,* 1706.]

Legislative  
Records of the  
Council,  
viii., 268.

*Ante*, p. 742,  
chap. 94.

<sup>1</sup> This date is November 23 according to Legislative Records of the Council.

<sup>2</sup> *Ante*, p. 742, chap. 94.



## CHAPTER 118.

(Province Laws, VIII., 207.)

ORDER APPOINTING EPHRAIM HUNT, ESQ., AND OTHERS, A COMMITTEE TO VIEW A TRACT OF LAND LYING IN THE COUNTIES OF PLYMOUTH, BARNSTABLE AND BRISTOL, ADJOINING TO AND PARTLY BOUNDED BY ROCHESTER, PURCHASED OF THE INDIANS BY BARNABAS LOTHROP, ESQ., AND OTHERS, AND CONFIRMED BY THE LATE COLONY OF NEW PLYMOUTH, CONSIDER WHAT CONSTABLERICK AND COUNTY IT IS MOST CONVENIENT TO BE ANNEXED TO AND TO NOTIFY TIVERTON, FREETOWN, DARTMOUTH, MIDDLEBOROUGH AND ROCHESTER OF THE SAME.

Legislative  
Records of the  
Council,  
viii., 270.  
Mass.  
Archives,  
xlv., 344.

Mass.  
Archives,  
xlv., 343.  
Legislative  
Records of the  
Council,  
viii., 248.  
Plymouth  
Colony Records,  
v., 132.

ON THE PETITION of Barnabas Lothrop, Esq<sup>r</sup> in Behalf of him self &c, Referring to a Tract of Land lying between the Counties of Plimouth, Barnstable, & Bristol Adjoining & partly bounded by the Land of Rochester purchased [of]<sup>1</sup> the Indian Natives, & confirm'd to the said Purchasers by the General Court of the late Colony of New Plimouth, Praying that the said Land may be put within the Constablerick of Rochester, & in the County of Barnstable

In the House of Representatives.

*Ordered* That M<sup>r</sup> Ephraim Little, M<sup>r</sup> Robert Crossman, & M<sup>r</sup> Samuel Hinckley be a Committee, to view, & Consider, the Circumstances, of the Land withinmentioned, and Report their opinion to this Court, at their Session in May next, what Constablerick, & County, It is most convenient to be annexed to, M<sup>r</sup> Little, to appoint Time and place, of Meeting, notifying, the Towns of Tiverton, Freetown, Dartmouth, Middleborough, & Rochester, thereof, the charge of the Committee, to be born by the Owners of the Land.

In Council.

Read And agreed to a Committee for the Service abovemention<sup>d</sup> but thinke it less Exceptionable, That no persons of the three County's to which the withinmentioned Lands may be laid, be concerned therein, And therefore nominate Ephraim Hunt Esq<sup>r</sup> Major Samuel Thaxter and m<sup>r</sup> Theophilus Cushing to be a Committee for that Affair; Ephraim Hunt Esq<sup>r</sup> to appoint Time and place of meeting, and to notify the rest of the Committee thereof; the Charge of the Committee to be born by the Owners of the Land.

In the House of Representatives

Read & Concurr'd. [*Passed December 4, 1706.*]

## CHAPTER 139.

(Province Laws, VIII., 215.)

ORDER CONTINUING THE HEARING OF TOPSFIELD AND BOXFORD ON MR. ENDICOTT'S AND CAPT. GOLD'S FARMS TO THE SESSION IN MAY NEXT.

*Ordered* that the Hearing of the Towns of Topsfield and Boxford [on Mr. Endicott's and Capt. Gold's farms]<sup>2</sup> appointed to have been on the second Fryday of this Session be attended on the second Fryday of the Session of this Court in May next. [*Passed March 18, 1706*—[7].]

Legislative  
Records of the  
Council,  
viii., 284.

*Ante*, p. 745,  
chap. 108.

<sup>1</sup> Mass. Archives, xlv., 343.

<sup>2</sup> *Ante*, p. 745, chap. 108.



## CHAPTER 3.

(Province Laws, VIII., 230.)

ORDER FOR NOTIFYING THE TOWN OF SUDBURY TO APPEAR AND ANSWER AT THE NEXT SESSION THE PETITION OF THE INHABITANTS ON THE WEST SIDE OF THE GREAT RIVER IN SAID SUDBURY PRAYING TO BE MADE A SEPARATE PARISH OR PRECINCT.

ON A PETITION of the Inhabitants on the West Side of the great River in Sudbury, Praying to be made a separate Parish or Precinct for the Support of the publick Worship of God, in that Part of the Town

Legislative  
Records of the  
Council,  
viii., 298.  
Mass.  
Archives,  
xi., 221a.

*Ordered* That the Town of Sudbury be Serv'd with a Copy of this Petition and notified to Attend this Court, on the first friday of the next session, if they have any thing to object against the Same. [*Passed June 4, 1707.*]

Mass.  
Archives,  
xi., 221.

## CHAPTER 5.

(Province Laws, VIII., 230.)

ORDER ERECTING THE SOUTHWEST PART OF PLYMOUTH INTO A TOWNSHIP BY THE NAME OF PLYMPTON, TO PAY ALL TAXES AS PART OF THE TOWN OF PLYMOUTH (AS FORMERLY) UNTIL MARCH NEXT.

In the House of Representatives

In Answer to the Petition of the Inhabitants of a Tract of Land in the South Westerly Part of the Township of Plymouth, Praying to have the Grant & Privileges of a Town, Having obtain'd a Vote of the Town of Plymouth for the same, With an Addition of sundry Families;

Legislative  
Records of the  
Council,  
viii., 299.  
Mass.  
Archives,  
cxiii., 405.

*Ordered* That a Township be Granted to the Petitioners, to be called Plimton, to be Bounded & Limited, according to the Plat thereof herewith exhibited<sup>1</sup> with the Proviso made by the Town of Plymouth contain'd in their vote<sup>2</sup> hereto annexed

Mass.  
Archives,  
cxiii., 406.

In Council

Read and concurr'd to, Abateing the Proviso

In the House of Representatives

Read. & Agreed That the Proviso be abat<sup>ed</sup> & further Added, That the Petitioners pay all Taxes as part of the Town of Plymouth (as formerly) until march next.

[In Council]

Agreed. [*Passed June 5,<sup>3</sup> 1707.*]

<sup>1</sup> Mass. Archives, Maps and Plans, 3d series, iv., p. 3.

<sup>2</sup> Mass. Archives, cxiii., 406.

<sup>3</sup> This date is June 4 according to Legislative Records of the Council.



## CHAPTER 12.

(Province Laws, VIII., 232.)

ORDER APPOINTING JOHN BURRILL, ESQ., AND OTHERS, A COMMITTEE TO VIEW THE LANDS IN CONTROVERSY BETWEEN TOPSFIELD AND BOXFORD, TO INFORM THEMSELVES OF THE BOUNDS AND GRANTS AND TO REPORT A LINE VARYING AS LITTLE AS MAY BE IN VALUE FROM THEIR GRANTS, TO BEST ACCOMMODATE EACH TOWN AS TO THE MINISTRY, ETC., AT THE CHARGE OF SAID TOWNS UNTIL THEY REPORT AND THEN AS THIS COURT SHALL ORDER.

Legislative  
Records of the  
Council,  
viii., 302.  
Mass.  
Archives,  
cxiii., 400.

Legislative  
Records of the  
Council,  
viii., 300.  
*Ante*, p. 746,  
chap. 139.

## In the House of Representatives

It appearing to this House, by the Hearing had yesterday before this Court, between the Towns of Topsfield & Boxford; That if the Line between the said Towns be Settled Strictly according, to what Seems, to be the Bounds of their Grants, It may not be So convenient for either Town

*Ordered* That M<sup>r</sup> Speaker, [John Burrill, Esq.,]<sup>1</sup> Capt. Samuel Gardner, & M<sup>r</sup> Samuel Balch be a Committee, Joined with Such as the Hon<sup>ble</sup> Board shall nominate, To go upon the Place, & view the Lands, in Controversy, informing themselves of the Bounds, of the Grants, of each Town, So far as they can, & make Report, to this Court, where they Apprehend, the Line between, each of them may be most conveniently Settled (varying as little as may be in value from their Grants) So as best to accomodate each Town as to the ministry &c<sup>a</sup>

And That the Charge of the s<sup>d</sup> Committee be born in equall Proportion by the S<sup>d</sup> Towns untill they have made their Report, & then to be born as this Court Shall order.

## In Council.

Read and Concurr'd And John Hathorne and John Higginson Esq<sup>rs</sup> be a Committee of y<sup>e</sup> Board. [*Passed June 9, 1707.*]

## CHAPTER 13.

(Province Laws, VIII., 233.)

ORDER ALLOWING LONGMEADOW TO BUILD A MEETING-HOUSE AND SETTLE A MINISTER, PROVIDED THAT THE NUMBER OF FAMILIES BE INCREASED TO FORTY WITHIN THREE YEARS, THEY RAISE FIFTY POUNDS PER ANNUM FOR THE SUPPORT OF THEIR SETTLED MINISTER AND FREEING THEM FROM PAYING TO THE MINISTER OF SPRINGFIELD ON CERTIFICATION OF SAME BY THE COURT OF GENERAL SESSIONS OF THE PEACE.

Legislative  
Records of the  
Council,  
viii., 302.  
Mass.  
Archives,  
xi., 214.

Mass.  
Archives,  
xi., 214.  
*Ante*, p. 741,  
chap. 91.

THE AGENTS for the Town of Springfield and for the Petitioners [of Longmeadow, who pray to be allowed to build a Meeting House and settle a Minister]<sup>2</sup> respectively haveing been heard from this Court.

*Ordered* That the Prayer of the Petition be Granted

Provided That the number of Family's be Encreased to Forty within the space of three years next comeing; And that they agree to rayse the Sum of Fifty pounds p<sup>r</sup> anum for the Support of a Learned orthodox Minister, and Settle such a one among them; Which being Certifyed from the Court of General Sessions of the Peace within the County The Petition<sup>rs</sup> with those that shall be added to them be from thenceforth freed and Discharged from paying to the Minister of the Town. [*Passed June 9, 1707.*]

<sup>1</sup> Province Laws, viii., 226.

<sup>2</sup> *Ante*, p. 741, chap. 91.



## CHAPTER 33.

(Province Laws, VIII., 239.)

ORDER APPOINTING WAIT WINTHROP, ESQ., AND OTHERS, A COMMITTEE TO PERUSE AND CONSIDER THE ANCIENT RECORDS, LINES AND BOUNDARIES RUN AND STATED BETWIXT THE COLONY OF THE MASSACHUSETTS BAY AND THE COLONIES OF CONNECTICUT, NEW PLYMOUTH, AND RHODE ISLAND AND PROVIDENCE PLANTATION AND TO PROPOSE WAYS AND METHODS TO COMPROMISE AND ADJUST THE DISPUTES BETWIXT THE SEVERAL GOVERNMENTS ON THAT HEAD.

In Council

*Ordered* That Wait Winthrop & Elisha Hutchinson Esq<sup>rs</sup> and the Secretary [Isaac Addington, Esq.,]<sup>1</sup> be a Committee of the Board to joine with a Committee to be named by the House of Representatives, to peruse and consider the ancient Records,<sup>2</sup> Lines and boundaries run and stated betwixt the late Massachusetts Colony and the Colony of Connecticut; As also betwixt the said Massachusetts, the late Colony of Plymouth, now part of this Province, and the Colony of Rhode-Island and Providence Plantation. And to Propose such waies and methods as they may thinke proper to compromise and Adjust the Disputes arisen betwixt the several Governm<sup>ts</sup> on that head. Makeing their Report with what Speed may be to this Court, in their present Session

Sent down for concurrence

In the House of Representatives,

Read. & Passd a Concurrence And that Col: Sam: Checkley, M<sup>r</sup> Sam: Sprague, Maj<sup>r</sup> W<sup>m</sup> Basset, Capt: Tho<sup>s</sup> Oliver, & m<sup>r</sup> Joseph Stebbins, be a Committee to Joine with the Committee of the Board, in the affaire abovementioned. [*Passed October 30,*<sup>3</sup> 1707.

Legislative  
Records of the  
Council,  
viii., 316.  
Mass.  
Archives,  
iii., 106.

*Ante*, p. 735,  
chap. 35; p. 743,  
chap. 99.

## CHAPTER 34.

(Province Laws, VIII., 239.)

VOTE APPOINTING A HEARING OCTOBER 31<sup>ST</sup> OF THE PETITIONERS ON THE WEST SIDE OF THE GREAT RIVER IN SUDBURY TO BE A SEPARATE PARISH OR PRECINCT FOR THE MINISTRY.

ON A PETITION of the Inhabitants living on the West Side of the River in Sudbury, Praying that they may be heard To Morrow upon their Petition to be a distinct or seperate Parish or Precinct for the Ministry,

[*Voted*] That the Hearing be on the morrow as is prayed, If the party's attend as is Insinuated above. [*Passed October 30, 1707.*

Legislative  
Records of the  
Council,  
viii., 317.  
Mass.  
Archives,  
xi., 228.

Mass.  
Archives,  
xi., 225-227.  
*Ante* p. 747,  
chap. 3.

<sup>1</sup> Province Laws, viii., 225.

<sup>2</sup> *Post*, p. 757, chap. 68, 1707, reads "Records of the Lines & Boundaries."

<sup>3</sup> This date is October 29 according to Legislative Records of the Council.



## CHAPTER 35.

(Province Laws, VIII., 239.)

ORDER APPOINTING A HEARING UPON THE PETITION OF THE PROPRIETORS AND FREEHOLDERS OF WENHAM, PRAYING FOR A SETTLEMENT OF THEIR DIFFERENCES ABOUT THE DIVISION OF THEIR COMMON LANDS, CONTESTED BY JOSEPH FOWLER AND OTHERS, AND FOR NOTIFYING SAID FOWLER THEREOF.

Legislative  
Records of the  
Council,  
viii., 317.  
Mass.  
Archives,  
cxiii., 410.

ON A PETITION of the Proprietors & Free holders of the Township of Wenham within the County of Essex, Praying a Settlement of their Differences about the Division of their Common Lands, Contested by Joseph Fowler &c,

Mass.  
Archives,  
cxiii., 409.

*Ordered*, That the Proprietors<sup>2</sup> by their agents and Joseph Fowler therein named be heard before this Court upon Friday the 7<sup>th</sup> of November next. And that the Proprietors cause the said Joseph Fowler to be Served with a Copy of this Petition. [*Passed October 31,*<sup>1</sup> 1707.

## CHAPTER 36.

(Province Laws, VIII., 240.)

ORDER APPOINTING A HEARING ON THE PETITION OF THE BRETHREN OF THE SOUTH CHURCH IN BRAINTREE, ON BEHALF OF THEMSELVES AND THEIR NEIGHBORS, THAT A PRECINCT MAY BE ORDERED IN THAT PART OF THE TOWN FOR THE SUPPORT OF THE MINISTRY AND FOR NOTIFYING THE SELECTMEN AND THE PRINCIPAL PERSONS IN THE NORTH PART OF SAID TOWN TO ATTEND.

Legislative  
Records of the  
Council,  
viii., 317.  
Mass.  
Archives,  
xi., 240a.

ON A PETITION of the Brethren of the South Church in Brantrey on Behalf of them selves & the Rest of the Neighbours, Praying that a Precinct may be Order'd & settled in that Part of the Town for the Support of the Ministry;

Mass.  
Archives,  
xi., 240.

*Ordered* That the Select men of Braintery be served with a Copy of the within Petition, And that they notify some of the principal persons in the North part of the Town thereof; And that the Selectmen with such other persons as shall see cause to attend be heard thereon upon Thursday the Sixth of Novemb<sup>r</sup> next. [*Passed October 31,*<sup>1</sup> 1707.

## CHAPTER 37.

(Province Laws, VIII., 240.)

ORDER APPOINTING COL. SAMUEL CHECKLEY, AND OTHERS, A COMMITTEE TO VIEW THE TOWN OF SUDBURY, HEAR WHAT SHALL BE ALLEGED FOR AND AGAINST SETTING OFF THE WEST SIDE OF THE GREAT RIVER AS A SEPARATE PARISH OR PRECINCT AND REPORT WHAT THEY THINK MOST EXPEDIENT TO BE DONE.

Legislative  
Records of the  
Council,  
viii., 318.  
Mass.  
Archives,  
xi., 224.

IN THE CASE of Sudbury Petitioners [that the west side of the Great River be a separate parish or precinct for the Ministry.]<sup>2</sup>

In the House of Representatives.

This House not receiving full Information of the Circumstances,

<sup>1</sup> This date is October 30 according to Legislative Records of the Council.

<sup>2</sup> *Ante*, p. 749, chap. 34.



of the affair contain'd in this Petition, by the Hearing had before this Court, yesterday.

*Ordered* That Col: Samuel Checkley Capt. Thomas Oliver, & Capt: Jonas Bond, be a Committee to Joine with Such as the Honorable Board Shall Nominate, To go upon the place & Hear what Shall be alledg'd, for & against the Praier of s<sup>d</sup> Petition, notifying the Town of the time of their meeting, at least a week beforehand & make Report to this Court, what they think will be most expedient, to be done in answer to the Petitioners, at their session in may next.

The Petitioners to Pay the charge of the Committee

In Council

Read and Concurr'd, And John Phillips and Joseph Lynde Esq<sup>rs</sup> named a Committee of the Board for the Affaire afores<sup>d</sup> Colonel Phillips to appoint the time of meeting, and to notify the Town and the rest of the Committee thereof. [*Passed November 1, 1707.*]

Mass.  
Archives,  
xi., 225.  
*Ante*, p. 749,  
chap. 34.

## CHAPTER 39.

(Province Laws, VIII., 240.)

ORDER APPOINTING COL. THOMAS NOYES, AND OTHERS, A COMMITTEE TO HEAR THE DIFFERENCES IN THE TOWN OF ANDOVER AS TO STATING AND SETTLING THE MEETING-HOUSE AND RETURN WHAT THEY JUDGE MAY BE MOST ACCOMMODABLE FOR THE WHOLE OF SAID TOWN.

UPON READING THE PETITION of John Aslebee & Christopher [John]<sup>1</sup> Osgood for them selves & in Behalfe of several [64]<sup>1</sup> others Inhabitants of the Town of Andover, Respecting a Difference in the said Town as to the Place of Setting up the Meeting House for the publick Worship,

In the House of Representatives

*Ordered* That Col: Thomas Noyes, Capt: Samuel Gardner, & Capt: William Goodhue be a Committee with Such as the Hon<sup>ble</sup> Board shall Appoint to hear the Differences that are in the Town of Andover, with respect to the stating & Setling of the Meeting house, & what the Town, & Petitioners, have to Lay before them & to make Return what they Judge may be most accomodable for the whole Town.

The Charge to be born by the Petitioners.

In Council, John Appleton Esq and Samuel Appleton Esq<sup>r</sup> are Appointed to join with Col. Thomas Noyes &c. [*Passed November 3, 1707.*]

Legislative  
Records of the  
Council,  
viii., 319.  
Mass.  
Archives,  
xi., 232a.  
Mass.  
Archives,  
xi., 232.

## CHAPTER 45.

(Province Laws, VIII., 242.)

VOTE POSTPONING THE HEARING UPON THE PETITION OF THE FREE-HOLDERS OF THE TOWN OF WENHAM, ASSIGNED FOR THIS DAY, UNTIL FRIDAY, NOVEMBER 14, 1707.

UPON THE MOTION of Joseph Fowler, The Petition of the Free Holders &c of Wenham appointed to be heard this Day. The Hearing was adjourn'd to Fryday the fourteenth Currant. [*Passed November 7, 1707.*]

Legislative  
Records of the  
Council,  
viii., 322.  
*Ante*, p. 750,  
chap. 35.

<sup>1</sup> Mass. Archives, xi., 232.



## CHAPTER 46.

(Province Laws, VIII., 242.)

ORDER APPOINTING A HEARING FOR THE AGENT OR AGENTS OF REHOBOTH TO ANSWER THE REPRESENTATION OF THE JUSTICES OF THE GENERAL SESSIONS OF THE PEACE THAT THE "MILE & HALF" OF SAID TOWN BE ANNEXED TO ATTLEBOROUGH FOR THE MAINTENANCE OF THE MINISTRY.

Legislative  
Records of the  
Council,  
viii., 324.  
Mass.  
Archives,  
xi., 231a.

Mass.  
Archives,  
xi., 231, 231a.

UPON A REPRESENTATION of the Justices of the General Sessions of the peace within the County of Bristol in Favour of the Town of Attleborô in the said County, Moving that they may be encouraged & assisted towards the Support of a Minister & have an Enlargement<sup>t</sup> [of that tract of land lying to the Southward of s<sup>d</sup> town called the mile & halfe which originally did belong to the same Purchase and was Included in the first Grant and lyes more Convenient & much nearer to the place where the Meeting house is designed to be built than to Rehoboth, on which wee understand are about fifteen Families]

*Ordered* That the Town of Rehoboth, be served with a Copy of this motion, & Notified That by their agent, or Agents, they appear on the Second Friday of the Session of this Court in May next To shew cause if any there be, why the one mile & halfe within mentioned Shall not be annexed to the Town of Attleborough, for the Maintenance of the Ministry. [*Passed November 8, 1707.*]

## CHAPTER 48.

(Province Laws, VIII., 243.)

VOTE ACCEPTING THE LAYING OUT TO MR. FRANCIS COLLINS, OF LONDON, MERCHANT, FIVE HUNDRED ACRES ADJOINING MANCHAUG FARM IN THE NIPMUCK COUNTRY GRANTED HIS FATHER MR. JOHN COLLINS, MINISTER, FORMERLY OF NEW ENGLAND, DECEASED, IN 1683.

Legislative  
Records of the  
Council,  
viii., 326.  
Mass.  
Archives,  
Maps and  
Plans, 3d series,  
iv., 2.

*Ante*, p. 734,  
chap. 23.  
Mass. Bay  
Records,  
v., 409.

SURVEY of Five Hundred Acres of Land laid out to M<sup>r</sup> Francis Collins Merch<sup>t</sup> upon a Grant made to his Father M<sup>r</sup> John Collins Minister Dec<sup>d</sup> Viz,

We the Subscribers being appointed by an Order of the Great & General Court of this province to lay out unto Francis Collins of London Merch<sup>t</sup> Five Hundred Acres of Land formerly granted unto his Father M<sup>r</sup> John Collins formerly of New England late of London Minister Dec<sup>d</sup> Anno 1683, We have accordingly laid out the said Grant of Five Hundred Acres of Land in the Nipmug Country adjoining to a Farm there call'd Manchaug Farm; Beginning at a Chesnut Oak Tree Mark'd S D. & is the South East Corner of said Manchaug Farm, From thence it extends Eastward & Northward, The West End bounds upon the said Manchaug Farm, & is in Length Two Hundred forty five Perch, proceeding from the fore mention'd Corner Tree, by a Line running North Fifteen Degrees West to a Heap of Stones, From thence it extends on the North Side three Hundred fifty four Perch by a Line Running East five Degrees North to a Heap of Stones, The South Side from the first mention'd Corner extends upon the same Course; Viz, East five Degrees North Three Hundred & twelve perch to a Heap of Stones, The East Line from Corner to Corner is Two Hundred & forty perch in Length Making the North &



South East Corners Right Angles, It is bounded on each Side & on the East End by Countrey Land.

JOSIAH CHAPIN  
JOHN CHANDLER

In Council  
The within Return Read and Accepted.  
In the House of Representatives  
Read & Pass'd a Concurrence. [*Passed November 14,*<sup>1</sup> 1707.

## CHAPTER 51.

(Province Laws, VIII., 244.)

ORDER REVIVING THE VOTE OF THE 31<sup>ST</sup> OF OCTOBER AS TO A HEARING THE 6<sup>TH</sup> OF NOVEMBER ON THE PETITION OF THE SOUTH CHURCH IN BRAINTREE TO BE A SEPARATE PRECINCT AND SETTING A HEARING ON THE 19<sup>TH</sup>, THE PETITIONERS TO NOTIFY THE ADVERSE PARTY.

[ON A PETITION of the South Church in Braintree that a precinct may be ordered and settled in that part of the town a hearing was set for the 6th of this November.]

In the House of Representatives

The Day abovementioned being Laps'd without a Hearing

Ordered That the Vote abovementioned be Revived and a Hearing Granted, on wednesday the 19<sup>th</sup> curr<sup>t</sup>.

The Councill Agree w<sup>th</sup> y<sup>e</sup> Representatives in the Abovesaid Order and y<sup>e</sup> Petitioners to give notice to the Advers party.  
[*Passed November 14, 1707.*

Legislative  
Records of the  
Council,  
viii., 328.  
Mass.  
Archives,  
xi., 240a.

Mass.  
Archives,  
xi., 240-246.  
*Ante*, p. 750,  
chap. 36.

## CHAPTER 52.

(Province Laws, VIII., 245.)

VOTE ACCEPTING THE LAYING OUT TO MAJ. WILLIAM WHITING OF HARTFORD OF ONE THOUSAND ACRES ADJOINING TO CHAUBUNGUM POND ON THE SOUTH END OF CHAUBUNNAGUNGAMONG POND, GRANTED TO REV. JOHN WHITING, DECEASED, IN 1684, IN RIGHT OF THE CHILDREN OF WILLIAM WHITING, DECEASED, THE GRANDFATHER TO THE SAID MAJOR WHITING.

SURVEY of One Thousand Acres of Land laid out to the Children of William Whiting, pursuant to a Court Grant; Viz,

Having been desired by Major William Whiting of Hartford to lay out to him One Thousand Acres of Land granted by the Governour & Company of the late Colony of the Massachusetts Anno 1684, to the Rev<sup>d</sup> John Whiting late of said Hartford Dec<sup>d</sup> In Behalf of him self & the Rest of the Children of William Whiting Grand father to the said Major William Whiting & since Order'd to be laid out by this Great & General Court or Assembly, Viz, Anno 1700, I have accordingly laid out the same in the Countrey Land near adjoining to a Pond call'd Chaubungum on the South End of Chaubunnagungamong Pond, I began at a White Oak Tree, (Which is the North West Corner of said Tract) standing on the East Side of a great Hill in Sight of the said Pond & about fifty perch Westward of the Road from Oxford to plainfield; On the East & South Sides of said Tree are made with a Marking Iron

Legislative  
Records of the  
Council,  
viii., 326.  
Mass.  
Archives,  
Maps and  
Plans, 3d series,  
iv., 1.

Mass. Bay  
Records,  
v., 455.  
*Ante*, p. 695,  
chap. 10.

<sup>1</sup> This date is November 13 according to Legislative Records of the Council.



W W, From thence the Land extends Southward Five Hundred perch, & Eastw<sup>d</sup> Three Hundred & twenty perch, The North East Corner is in a Cedar Swamp, Fifty three perch from the West Side, & sixty perch from the South End; The End Lines bear West twenty Degrees North; The Side Lines bear South twenty Degrees West; The South East Corner is a Heap of Stones in a swampy Bottom, The South West Corner is a Heap of Stones upon a great Rock, Divers Trees stand on the Lines & are blazed on both Sides as the Land runs, It was laid out the 4<sup>th</sup> & 5<sup>th</sup> Days of Novemb<sup>r</sup> Anno 1707, It is bounded on every Side with Countrey Land:

JOHN CHANDLER Surveyour:

In Council

The within Return, Read and Accepted.

In the House of Representatives

Read & Pass'd a Concurrence. [*Passed November 15,*<sup>1</sup> 1707.

## CHAPTER 56.

(Province Laws, VIII., 246.)

ORDER RESTORING TO THE PROPRIETORS AND FREEHOLDERS OF WENHAM THE RIGHT OF APPEAL AGAINST JOSEPH FOWLER, INHABITANT AND PROPRIETOR OF SAID TOWN, IN THE NEXT SUPERIOR COURT OF JUDICATURE TO BE HOLDEN IN AND FOR THE COUNTY OF ESSEX, THE APPELLEE TO BE NOTIFIED.

Legislative  
Records of the  
Council,  
viii., 329.  
Mass.  
Archives,  
cxiii., 411.

*Ante*, p. 750,  
chap. 55.

IN THE CASE of the Proprietors and Freeholders of the Township of Wenham within the County of Essex, by their Petition to this Court, on the one part; And Joseph Fowler Inhabitant and Proprietor in the same Town of the other part.

Upon Hearing of both the said party's, It appearing That in a Tryal at Law between them before the Superiour Court of Judicature by Appeale from a Judgement of the Inferiour Court in the s<sup>d</sup> County of Essex, the s<sup>d</sup> Proprietors were denied the prosecution of their Appeal, through default of Appearance, the Power delegated to their Agents being adjudged not legally and duely Certified.

*Ordered* That the s<sup>d</sup> Proprietors and Freeholders be restored to their said Action of Appeale, and be allowed, by their Agents duely appointed and Certified, to prosecute the same at the next Superiour Court of Judicature to be holden for and within the County of Essex, any proceedings had in the said Court notwithstanding: And that the s<sup>d</sup> Superiour Court receive and Admit the same accordingly; The s<sup>d</sup> Proprietors causing the Appellee to be Served with a Copy of this order, fifteen days before the s<sup>d</sup> Courts Sitting. [*Passed November 17,*<sup>2</sup> 1707.

<sup>1</sup> This date is November 13 according to Legislative Records of the Council.

<sup>2</sup> This date is November 15 according to Legislative Records of the Council.



## CHAPTER 57.

(Province Laws, VIII., 246.)

ORDER FOR LAYING OUT TO JOSIAH AND THEOPHILUS COTTON FIVE HUNDRED ACRES OF LAND, GRANTED TO THEIR FATHER MR. JOHN COTTON, DECEASED, IN 1685, IN SUCH A PLACE AS MAY NOT INTRENCH ON ANY FORMER GRANT OR SPOIL ANY SUITABLE TRACT FOR A TOWNSHIP, A PLAT THEREOF TO BE RETURNED FOR CONFIRMATION.

UPON READING A PETITION of Josiah Cotton & Theophilus Cotton, Praying that Order may be given for the Laying out of Five Hundred Acres of Land upon a Grant to their Father Mr. John Cotton Dec<sup>d</sup> by the Gen<sup>l</sup> Court in May 1685,<sup>1</sup>

*Ordered* That Capt: John Chandler, of Woodstock Surveyor be Appointed, to Lay out for the Petitioners the Five Hundred acres of Land, Granted 27: May 1685, to the father of the Petitioners, in Such place as may not Intrench, on any former Grant, or Spoile any Suitable Tract for a Township, a Plot thereof, to be Return'd under oath to this Court for Confirmation assoon as may be. [*Passed November 17, 1707.*]

Legislative  
Records of the  
Council,  
viii., 330.  
Mass.  
Archives,  
xlv., 357.  
Mass.  
Archives,  
xlv., 358-362.

## CHAPTER 59.

(Province Laws, VIII., 247.)

ORDER FURTHER CONTINUING THE RESOLVE OF MARCH 7, 1700-1, FOR ACCOMMODATING AND ISSUING THE DIFFERENCE RELATING TO THE SUPPORT OF THE MINISTRY IN THE MIDDLE AND EASTERLY PARTS OF WATERTOWN, NOW NEAR EXPIRING, UNTIL SAID PRECINCTS SHALL MUTUALLY AGREE UPON SOME OTHER METHOD FOR THE SUPPORT OF THE MINISTRY OR THIS COURT SHALL ORDER OTHERWISE.

*Ordered* That the Resolve of this Court, Pass'd in March anno 1700, for accomodating & Issuing the Difference relating to the Support of the ministry in the middle, & Easterly Parts of Watertown, now near expiring be farther Continued, & Abide in force, until the sd Precincts Shall mutually agree, upon some other Method for the Support of the ministry, or until this Court Shall order otherwise. [*Passed November 18, 1707.*]

Legislative  
Records of the  
Council,  
viii., 331.  
Mass.  
Archives,  
xi., 234.  
*Ante*, p. 705.  
chap. 76.

## CHAPTER 60.

(Province Laws, VIII., 247.)

ORDER ANNEXING THE TOWN OF ROCHESTER TO THE COUNTY OF PLYMOUTH, AND DIRECTING THAT THE RATES ALREADY ASSESSED ON SAID TOWN IN THE COUNTY OF BARNSTABLE BE PAID THERE.

UPON THE PETITION of the Town of Rochester, Praying to be annex'd to Plimouth County;

*Ordered* That the Prayer of the Petitioners be Granted; The Rates already assessed on them, in the County of Barnstable, to be paid there.

And for the future That they be annexed to the County of Plymouth any Law, Usage, or Custom to the contrary notwithstanding. [*Passed November 19, 1707.*]

Legislative  
Records of the  
Council,  
viii., 331.  
Mass.  
Archives,  
cxiii., 404.  
Mass.  
Archives,  
cxiii., 403.

<sup>1</sup> May 27, 1685, Mass. Archives xlv., 357; no record of same found in Mass. Bay or Plymouth Records.



## CHAPTER 63.

(Province Laws, VIII., 248.)

VOTE ALLOWING THE REPORT RECOMMENDING THE EXCHANGE OF LANDS BELONGING TO THE POCASSET INDIANS IN TIVERTON FOR OTHER LANDS BELONGING TO COL. BENJAMIN CHURCH OF MUCH THE SAME SORT, BUT LYING ALL TOGETHER, JOINING COMMON LANDS AND BEING MORE REMOTE FROM THE ENGLISH, TO BE HOLDEN BY SAID INDIANS AS A PLANTATION FOREVER, NOT TO BE ASSIGNED OR ALIENATED, AND YIELDING UNTO THE GOVERNOR OF THIS PROVINCE FOR THE TIME BEING, ON THE 10<sup>TH</sup> OF DECEMBER YEARLY, ONE QUARTER OF GOOD VENISON IN LIEU OF ALL RENTS AND SERVICES.

Legislative  
Records of the  
Council,  
viii., 334.  
Mass.  
Archives,  
xxx., 45.

*Ante*, p. 744,  
chapter 105.

THE REPORT of the Committee appointed at the Request of the Pocasset Indians & others who formerly had a Grant of Lands lying near Tiverton To view the said Lands & other Lands, which they desire to have in Exchange for the same; Viz,

We have accordingly been with the s<sup>d</sup> Indians to view the said Lands & do find that the Lands the Indians desire to have in Exchange for their Lands belong to Coll: Benj<sup>a</sup> Church & are much the same Sort with theirs; But the Reason they are desirous to have it is because it lies all together joins to Common Lands & is more remote from the English, Which they earnestly pray they may have a Grant of to them their Heirs & Assigns for Ever:

NATH<sup>l</sup> PAYNE,  
BENJ<sup>a</sup> CHURCH,  
WILLIAM FOBES.

## In Council

Read and Allowed That an Exchange be made of the Lands as above proposed, And that proper and Legal Instruments be drawn accordingly, The Lands to be holden of Her Majty<sup>s</sup> [Queen Anne's]<sup>1</sup> Governm<sup>t</sup> of this Her Majtys Province, by the s<sup>d</sup> Indians and their heires for ever; yielding unto the Governo<sup>r</sup> of the said Province for the time being upon the Tenth day of December yearly, one Quarter of good Venison in Lieu of all Rents and Services, not to be assign'd or alienated, but continued an Indian Plantation for ever.

In the House of Representatives.

Read & Concurr'd. [*Passed November 24,<sup>2</sup> 1707.*]

## CHAPTER 65.

(Province Laws, VIII., 248.)

VOTE DECLARING THE AGREEMENT OF BRAINTREE FOR THE SUPPORT OF THE REV. MR. MOSES FISKE IS GOOD AND VALID, AND THE WHOLE TOWN IS OBLIGED ANNUALLY TO RAISE THE SAME AS FORMERLY; THAT THE HEARERS OF THE NEW CONGREGATION TAKE UP A SUBSCRIPTION FOR THE MAINTENANCE OF A MINISTER AND PRESENT IT TO THE NEXT SESSION OF THIS COURT, WHO MAY ASSIGN THE PRECINCT FOR THEIR AUDITORY, HAVING ALWAYS REGARD TO THE ANCIENT SETTLEMENT OF SAID TOWN THAT IT BE NOT LEFT UNCAPABLE TO SUPPORT ITS MINISTRY.

Legislative  
Records of the  
Council,  
viii., 333.  
Mass.  
Archives,  
xi., 250.

IN THE CASE of Braintry. Heard yesterday.

*Voted*, That the Agreement of the Town of Braintry for the Support of [Reverent]<sup>3</sup> m<sup>r</sup> [Moses]<sup>3</sup> Fiske during the Exercise of his Ministry there, is good and Valid; And that the whole Town is Obligated annually to rayse the same as formerly

<sup>1</sup> Whittaker's Almanack, 1920, p. 115.

<sup>2</sup> This date is November 22 according to Legislative Records of the Council.

<sup>3</sup> Mass. Archives, xi., 247a.



That the Hearers at the new Congregation forthwith take care by a Subscription to rayse a maintenance for the Minister there and present the same to the next Session of this Court; who may then proceed to assigne the Precinct for their Auditory; haveing alwaies regard to the ancient Settlement of the Town, that they be not left uncapable to Support the ministry amongst them. [*Passed November 25,<sup>1</sup> 1707.*]

Mass.  
Archives,  
xi., 247-249.  
*Ante*, p. 753,  
chap. 51.

## CHAPTER 68.

(Province Laws, VIII., 249.)

VOTE ACCEPTING THE REPORT ON THE BOUNDARY LINES BETWEEN MASSACHUSETTS BAY, CONNECTICUT, NEW PLYMOUTH AND RHODE ISLAND AND PROVIDENCE PLANTATIONS RECOMMENDING THE PROPOSAL MADE IN 1700 TO CONNECTICUT, PROVIDED SIMSBURY MIGHT BE SAVED ENTIRE, AS ALSO THE PROPRIETIES OF WINDSOR FALLING NORTHWARD OF THE PROPOSED LINE, AND FURTHER CONCEDING IN FAVOR OF SAID TOWNS THAT THE INHABITANTS OF SUFFIELD AND ENFIELD MAY BE ALLOWED TO TREAT AND NEGOTIATE WITH THEM ABOUT THE CONTROVERTED LANDS; THAT THE ANCIENT LINE RUN BY WOODWARD AND SAFFERY IN 1642 IN ALL OTHER PARTS AND POINTS BE THE INCONTESTIBLE SOUTHERN BOUNDARY OF THIS PROVINCE, ANY CONCESSION BY EITHER SIDE NOTWITHSTANDING, AND IF CONNECTICUT WILL NOT ACCEPT THESE GENEROUS AND LARGE CONCESSIONS IT SHALL NO WAY INFRINGE ON OUR INDUBITABLE RIGHT TO WHAT IS OFFERED THEM AND THE MATTER BE REFERRED HOME TO HER MAJESTY'S ROYAL DECISION AND DETERMINATION.

THE REPORT of the Committee for Inspecting the ancient Records of<sup>2</sup> the Line & Boundaries run & stated betwixt the late Colony of the Massachusetts & the Colony of Connecticut, As also betwixt the Massachusetts, the late Colony of New Plimouth (now Part of this Province) & the Colony of Rhoad Island & Providence Plantations, And, to Propose Ways & Methods for Compromising & Adjusting the Disputes & Differences betwixt the several Governments relating thereto; Viz,

Legislative  
Records of the  
Council,  
viii., 323.  
Mass.  
Archives,  
iii., 112.

Mass.  
Archives,  
iii., 111.  
*Ante*, p. 749,  
chap. 33.

Upon View & Consideration thereof are humbly of Opinion,

That the Proposal made by this Court at their Session in May 1700, to the Commiss<sup>rs</sup> from Connecticut then Attending that Affair be offer'd to that Government, To which the Commissioners then conceded, Provided the Town of Symsbury might be saved entire according to their Grant with particular Proprieties, As also the Proprieties belonging to any of the Inhabitants of Windsor, That shall fall to the Northw<sup>d</sup> of the Line in the said Proposal mentioned; And to manifest a Desire & Readiness on the Part of this Government to put a final End to all Disputes & Differences respecting the Line & Boundary betwixt this Province & the Colony of Connecticut, That it be further conceded in Favour of Windsor & Symsbury; That saving the Bounds of Suffield & Enfield according to their several Grants from this Court, The Inhabitants of the said two Towns respectively be allow'd to treat & negotiate an Accomodation with their Neighbours of Windsor & Symsbury about the Soyl or Property in the Controverted Lands And to report the same to the Session of this Court in May next:

The ancient Line run by [Nathaniel]<sup>3</sup> Woodward & [Solomon]<sup>3</sup> Saffery [in 1642]<sup>3</sup> in all the other Parts & Points thereof to be continued & remain the incontestible Southern Bounds of this Province, Any Concession made by the Parties on either Side referring

<sup>1</sup> This date is November 22 according to Legislative Records of the Council.

<sup>2</sup> *Ante*, p. 749, chap. 33, reads "Records, Lines and boundaries."

<sup>3</sup> Mass. Archives, Maps and Plans, 3d series, xxxiv., 20.



to the Property or Soil of the controverted Lands notwithstanding; And if the Government of Connecticut shall not Accept & take up with these our generous & large Concessions made them, It shall in no wise be construed to infringe or draw into Question our indubitable Right to what is before offer'd them; And that the Matter be refer'd Home & humbly submitted to her Majesties [Queen Anne's]<sup>1</sup> Royal Decision & Determination:

ELISHA HUTCHINSON p Order:

In Council.

Read and Approv'd.

In the House of Representatives

Read & Pass'd a Concurrence. [*Passed November 26,*<sup>2</sup> 1707.

## CHAPTER 70.

(Province Laws, VIII., 249.)

RESOLVE GRANTING THREE HUNDRED ACRES OF LAND (NOT TO CONTAIN ABOVE FORTY ACRES OF MEADOW) TO JOHN SHELDEN IN CONSIDERATION OF HIS SERVICES AS MESSENGER TO CANADA, A PLAT THEREOF TO BE LAID BEFORE THIS COURT FOR CONFIRMATION.

Legislative  
Records of the  
Council,  
viii., 336.  
Mass.  
Archives,  
lxxi., 435.

Mass.  
Archives,  
lxxi., 434,  
436, 438.

THE PETITION of John Shelding [Shelden] of Derefield Humbly Sheweth that whereas I have been a great sufferer in the Comon Calamitie that hath befallen us at Derefield greatly impaireing my Estate & family so that I have beene Much Unsettled & the Rather because so many of o<sup>r</sup> Neighbors and of my Own Children were carried away into Captivity Occationing myself to take three journeys to Canada to Obtaine & be helpfull in their Release & Returning home againe which hath beene a verry Difficult & hazzardous Undertakeing which I doubt not but this Hon<sup>rd</sup> Co<sup>rte</sup> is verry senceable off, Upon the Considerations afores<sup>d</sup> I am imboldened to ask a Gratuity by Granting me a Tract of some of the Countrys Land Undispossed of within or Nere the County of West Hampshire in some Conveynient place where I can finde it to y<sup>e</sup> Quantitie of five Hundered Acres or thereabouts as the Co<sup>rte</sup> shall Judge Most Meet and Conveynient for me & least p<sup>j</sup>udiciall to any Other Grants the Consideration of & allowance to me as aboves<sup>d</sup> will verry Much Oblidge Yo<sup>r</sup> Humble Serv<sup>t</sup> as in duty Bound for Yo<sup>r</sup> Excellency & Hon<sup>rs</sup> Ever to pray

JOHN SHELDEN

*Resolved* That Three Hundred acres of Land be Granted to the Petitioner (not to contain above forty acres of Meadow), in Consideration of his good services mentioned in the Petition, a Plat thereof to be Laid before this Court for Confirmation. [*Passed November 26, 1707.*

<sup>1</sup> Whittaker's Almanack, 1920, p. 115.

<sup>2</sup> This date is November 8 according to Legislative Records of the Council.



## CHAPTER 82.

(Province Laws, VIII., 253.)

VOTE ACCEPTING THE REPORT OF THE COMMITTEE APPOINTED IN MAY, 1707, TO VIEW THE LANDS IN CONTROVERSY BETWEEN TOPSFIELD AND BOXFORD THAT THE LINES AS RECOMMENDED IN THE REPORT OF THE COMMITTEE OF OCTOBER, 1700, ARE SUITABLE BOUNDS FOR THE SAME.

THE REPORT of the Committee who were appointed by the General Court the 28<sup>th</sup> of May 1707, within mention'd to go to Topsfield & Boxford & view the Lands in Controversy, & inform them selves of the Bounds of the Grants of each Town; Viz,

We having been upon the Place & view'd the Lands & informed our selves of the Bounds of the Grants of each Town so far as We could, & heard what the Parties concern'd had to say relating to the Whole,

We do humbly offer & are of Opinion, That the Report made by the Committee appointed by the General Court Dated the 9<sup>th</sup> of October 1700, Viz, John Brown Esq<sup>r</sup> John Burrell Esq<sup>r</sup> & M<sup>r</sup> Nehemiah Jewett To Wit, That for the Settlement of the Bounds between Topsfield & Boxford, It may be expedient, That the Line be for the Future stated from the Apple Tree in Lieut. Perleys Field, according as Topsfield owns it, To extend to the South East Corner of M<sup>r</sup> Bakers Land now in Boxford to a Heap of Stones & Stake by M<sup>r</sup> Bakers Gate, Thence to extend on a streight Line to the Dam or Casway over Hassock Meadow, And thence as the Rivulet runs into the Fishing Brook, & then as the Fishing Brook runs into the great River, are suitable Bounds between the Towns of Topsfield & Boxford

JOHN HIGGINSON    SAMUEL GARDNER  
JOHN BURRILL     SAMUEL BALCH

In the House of Representative[s]

Read & Accepted

In Council

Read and concurr'd. [*Passed November 28, 1707.*]

Legislative  
Records of the  
Council,  
viii., 340.  
Mass.  
Archives,  
cxiii., 414.

Mass.  
Archives,  
cxiii., 413.  
*Ante*, p. 715,  
chap. 85;  
p. 748, chap. 12.

## CHAPTER 85.

(Province Laws, VIII., 254.)

RESOLVE AND ORDER APPOINTING NATHANIEL BYFIELD, ESQ., AND OTHERS, TO GO UPON THE LINES AND BOUNDARIES BETWIXT THIS PROVINCE AND THE COLONY OF RHODE ISLAND AND PROVIDENCE PLANTATIONS AND RENEW THE MARKS, GIVING NOTICE TO THE GOVERNMENT OF RHODE ISLAND IN SEASON OF THE TIME THEY AGREE TO ATTEND THE SAME.

THE FURTHER REPORT of the Committees about the Line & Boundaries betwixt this Province & the Colony of Rhode Island &c, Accepted by both Houses; Viz,

As to the Dispute raised by the Government of Rhode Island respecting Boundaries, We are credibly inform'd That the Grant to New Plimouth by many Years prior to that of Rhode Island comprehends a considerable part of the Lands of that Colony, & We find also a Declaration of the Kings Commissioners<sup>1</sup> in the

Legislative  
Records of the  
Council,  
viii., 324.  
Mass.  
Archives,  
iii., 112.

Mass.  
Archives,  
ii., 160, 161.  
*Ante*, p. 757,  
chap. 68.

<sup>1</sup> Col. Richard Nicolls, Sir Robert Carr, Kt., George Cartwright, Esq., and Samuel Maverick, Esq., Mass. Bay Records, iv., part ii., 162.



Year 1664, Impowered thereto, stating the Bounds betwixt that Colony & New Plimouth until his Majesties [King Charles II]<sup>1</sup> pleasure should be further known, Which must certainly Conclude them until Order from the Crown for an Alteration, Besides We find ancient Records of the mutual Settlement of the Line betwixt Plimouth & the Massachusets, & of the Running & Stating the Line of the Massachusets where it touches upon Providence and comprehends within it the Land at present controverted betwixt Providence & Mendon within the Massachusets: We are of Opinion that a Comm<sup>tee</sup> from each of the Governm<sup>ts</sup> to go upon that Line & renew the Marks thereof may probably put an Issue to that Controversy: All which is humbly submitted:

ELISHA HUTCHINSON ꝓ Order:

[In Council]

*Resolved*

That Nath<sup>a</sup> Byfield and Nath<sup>a</sup> Payne Esq<sup>rs</sup> w<sup>th</sup> such others as the Representatives shall joyne to them be a Committee to goe upon the Line abovementioned and renew the markes, and to give notice to y<sup>e</sup> Governm<sup>t</sup> of Rhode Island in Season of the time they agree to attend the same.

In the House of Representatives

Read & Concurr'd, &

*Ordered* That Josiah Chapin Esq<sup>r</sup> maj<sup>r</sup> sam Thaxter & Capt: John Ware, be Joined for the affaire afores<sup>d</sup>. [*Passed November 29,*<sup>2</sup> 1707.

## CHAPTER 10.

(Province Laws, IX., 10.)

ORDER GRANTING PETER BENNET MILK ISLAND, LYING HALF A MILE TO THE EASTWARD OF CAPE ANN, ON CONDITION THAT HE BUILDS ON IT WITHIN THREE YEARS AND THAT IT BE ANNEXED TO GLOUCESTER.

Legislative  
Records of the  
Council,  
viii., 361.

UPON READING A PETITION of Peter Bennet of Glocester Mill Wright, Praying that a certain Island commonly call'd Milk Island, containing about three Acres lying about Half a Mile to the Eastw<sup>d</sup> of Cape Ann, & the Southermost of the three Islands may be granted to him & his Heirs and Assigns for ever, Proposing to build upon it, With the Vote pass'd thereon in the House of Represent<sup>es</sup> Viz,

*Ordered* that the Prayer of the Petition be granted, And the said Island called Milk Island be granted & confirmed to the said Peter Bennet his Heirs & Assigns for Ever.

Agreed, Provided the Petitioner build thereon within the Space of three Years next coming, And that the said Island be annex'd to the Town of Glocester. [*Passed June 9, 1708.*

<sup>1</sup> Whittaker's Almanack, 1920, p. 115.

<sup>2</sup> This date is November 11 according to Legislative Records of the Council.



## CHAPTER 11.

(Province Laws, IX., 10.)

ORDER FOR LAYING OUT 500 ACRES FOR SAMUEL PRINCE IN LIEU OF THAT GRANTED TO RICHARD HOLLINGSWORTH IN 1673, PROVIDED THERE IS NO RECORD OF THE LAYING OF IT OUT.

UPON REPRESENTATION of a Grant made by the General Court of the late Massachusetts Colony in the Year 1673, of Five Hundred Acres of vacant Land to Rich<sup>d</sup> Hollings[s]<sup>1</sup>worth, & assign'd by his Heirs to Sam<sup>l</sup> Prince:

*Ordered* in Case there be no Record of the Laying of it out, that there be a Survey of Five Hundred Acres in some of the vacant Lands within the late Colony of Massachusetts, & Reported to this Court for Confirmation. [*Passed June 9, 1708.*]

Legislative  
Records of the  
Council,  
viii., 361.

Mass. Bay  
Records,  
iv., part ii., 576.

## CHAPTER 21.

(Province Laws, IX., 13.)

ORDER PROVIDING FOR A TEMPORARY SETTLEMENT OF THE LINE BETWEEN THIS GOVERNMENT AND NEW HAMPSHIRE DURING THE WAR SO THAT THE INHABITANTS BE NOT OPPRESSED WITH DEMANDS FOR TAXES FROM BOTH GOVERNMENTS.

WHEREAS at the Session of this Court in Octob<sup>r</sup> 1705 Col<sup>o</sup> Thomas Noyes with other Gent<sup>n</sup> were appointed a Committee on the part of this Governm<sup>t</sup> to Joine with a Committee of the Province of New-Hampshire to run the Line between the two Provinces; And the Pressure of the War with other difficulties co-incident rendring it hazardous at this Juncture to be put in practice.

For the present Ease of Her Ma<sup>ty's</sup> [Queen Anne's]<sup>2</sup> Subjects, whose Situation makes it disputable to which of the Provinces they belong.

*Ordered* That Col<sup>o</sup> Noyes notify the Gentlemen by this Governm<sup>t</sup> joyned with him for that Affair, to meet the Committee of the other Governm<sup>t</sup> at such time and place as the said Col<sup>o</sup> Noyes shall appoint, and upon Considera<sup>con</sup> as near as they can Judge, of the Distance of the Family's in dispute from the brinke of the River, to Propose to which of the Provinces they thinke it reasonable they be assessed towards the Publick Taxes and do Service during the present War; That they be not oppressed by a Demand upon them from both the Governm<sup>ts</sup> And make Report thereof to the respective Governm<sup>ts</sup> That they may Consider of a Temporary Settlement until the Line can be duly run and fully Establish'd. [*Passed June 17, 1708.*]

Legislative  
Records of the  
Council,  
viii., 365.  
Mass.  
Archives,  
iii., 535.

*Ante*, p. 735,  
chap. 60.

## CHAPTER 23.

(Province Laws, IX., 14.)

ORDER APPOINTING A HEARING ON THE BOUNDARY BETWEEN FRAMINGHAM AND SHERBORN AND DIRECTING EACH OF SAID TOWNS TO PROCURE A PLAT OF THEIR TOWNSHIP BY A KNOWN SURVEYOR.

UPON READING A PETITION of the Select Men of Framingham in Behalf of the said Town, Praying that the Bounds between them and Sherburn may be fully stated and settled;

Legislative  
Records of the  
Council,  
viii., 368.

<sup>1</sup> Mass. Bay Records, iv., part ii., 576.

<sup>2</sup> Whittaker's Almanack, 1920, p. 115.



Legislative  
Records of the  
Council,  
viii., 390.

*Ordered* that the Petitioners serve the Select Men of the Town of Sherburn with a Copy of this Petition and Acquaint them, that they may be heard thereupon on the first thursday of the next Session; Each of the Towns to procure a Plat of the Lying of their Townships by a known Surveyour to be then laid before the Court. [*Passed June 18, 1708.*]

## CHAPTER 26.

(Province Laws, LX., 14.)

ORDER PERMITTING THE INHABITANTS OF THE WEST PART OF SUDBURY TO ERECT A MEETING-HOUSE AND PROCURE A MINISTER, PROVIDED THEY CAN RAISE £50 A YEAR FOR HIS MAINTENANCE AND NOT INFRINGE ON THE TOWN'S AGREEMENT WITH REV. ISRAEL LORING, NOTWITHSTANDING THE PRESENT DIFFICULTIES PRESENTED BY THE COMMITTEE.

Legislative  
Records of the  
Council,  
viii., 355.  
Mass.  
Archives,  
xi., 250c.  
Mass. Archives,  
xi., 250a.

WE THE COMITIE Aponted by the General Court Baring date Octo<sup>r</sup> 29<sup>th</sup> 1707 In answer to a Pet[it]ion of Some of the Inhabitants of the West part of the Town of Sutbury; have bin upon the Place and heard both parties. And Considering the Badness of the Causeway the difficulty of the way and the Distance they are from the meeting house, we are of Opinion that it is needfull there Should be ameeeting house upon the west Side of the River, But yet Considering the Presant greatness of Publike Charges, the division there is between the Inhabitants of the west Side, and the Obligation that the whole Town are under to there Presant Minister, we are therfore of Opinion that the whol Town Continue to assemble at the Presant Meeting house untill these Obstructions be Removed

By Order of Comitie

JOHN PHILLIPS } in the name  
                          } of y<sup>e</sup> Comitee

[Read and]

*Ordered*, Notwithstanding the present difficulties represented by the Committee, If the Inhabitants on the West side the River thinke themselves able to Erect a Meeting House and Support a Minister and shall present a Subscription to this Court, amounting to Fifty pounds ~~p~~ annu for his maintenance, during the first seven year's; That then the Prayer of their Pet<sup>con</sup> be Granted to be a Parish or Precinct of themselves, And that they have Liberty to Erect a meeting House for the Publick Worship of God, and to Invite and procure a Learned Orthodox Minister of good conversation to preach to them.

Alwaies Saving in violate and in no wise Infringing the Contract & agreem<sup>t</sup> of the Town made with m<sup>r</sup> [Israel]<sup>1</sup> Loring the present minister and his maintenance to be duely paid him accordingly; until the Town in General, shall make other Provision; or this Court shall take further Order. [*Passed June 23, 1708.*]

<sup>1</sup> Hudson, History of Sudbury, 1889.



## CHAPTER 30.

(Province Laws, IX., 16.)

ORDERS APPOINTING JOSEPH PARSONS, ESQ., AND OTHERS, A COMMITTEE TO CONSIDER THE PRESENT STATE OF THE CONTROVERSY ABOUT THE LINE BETWEEN THIS PROVINCE AND THE COLONIES OF RHODE ISLAND AND CONNECTICUT.

In the House of Representatives

*Ordered* that Joseph Parsons & Josiah Wolcot Esq<sup>rs</sup> Mr Nathaniel Blagrove & Capt. Josiah Sheldon, be a Committee to join with such as the Hon<sup>ble</sup> Board shall appoint, to consider the present State of the Controversy between this Province, & the Colony of Connecticut, & the Colony of Rhode Island, respecting the Dividend Line between this Province & the said Colonies, And make Report to the Court as soon as may be, what they apprehend proper now to be done for the Issuing the said Controversies;

In Council

Read & Concur'd, &

*Ordered* that Elisha Hutchinson & Sam<sup>l</sup> Sewall Esq<sup>rs</sup> with [Isaac Addington, Esq.,]<sup>1</sup> the Secy. be a Committee of the Board for the Affair afore said. [*Passed June 23, 1708.*]

Legislative  
Records of the  
Council,  
viii., 371.

*Ante*, p. 757,  
chap. 68;  
p. 759, chap. 85.

## CHAPTER 31.

(Province Laws, IX., 16.)

ORDER APPOINTING ELISHA HUTCHINSON, ESQ., AND OTHERS, A COMMITTEE TO REPAIR TO WRENTHAM AND ENDEAVOR TO FIND THE PLACE WHERE WOODWARD AND SAFFERY OBSERVED AND BEGAN THE SOUTH LINE IN 1642, AND TAKE A NEW OBSERVATION.

IT BEING proposed by the Committee to consider the present State of the Controversy between this Province & the Colonies of Connecticut and Rhode Island, about the divisional Line, that Mr James Taylour with some of the Members of this Court be appointed to repair to Wrentham and endeavour to find out the Place where [Nathaniel]<sup>2</sup> Woodward & [Solomon]<sup>2</sup> Saffery observed, and began upon the South Line [in 1642],<sup>2</sup> & to take a new Observation;

*Ordered* that Elisha Hutchinson and Ephraim Hunt Esq<sup>rs</sup> with Cpt: Josiah Chapin & Major Samuel Thaxter of the Representatives with Mr James Taylour [Taylor]<sup>3</sup> do attend that Work. [*Passed June 24, 1708.*]

Legislative  
Records of the  
Council,  
viii., 371.

Mass.  
Archives,  
Maps and  
Plans, 3d series,  
xxxiv., 15.  
*Supra*, chap. 30.

## CHAPTER 42.

(Province Laws, IX., 19.)

ORDER FOR LAYING OUT 500 ACRES OF LAND TO SIMEON STODDARD, ESQ., AND OTHERS.

[ON THE PETITION OF Simeon Stoddard, Esq., for himself and his Brethren & Sist<sup>rs</sup> And on behalfe of y<sup>e</sup> Children of Cap<sup>t</sup> [Joseph]<sup>4</sup> Welds, that the General Court was pleased to Grant five hundred Acres of Land, to be equally divided between him & Cap<sup>t</sup> Welds Children [Daniel, Sarah and Marah]<sup>4</sup> which hath not as yet been taken up & laid out, nothing appearing thereof on Record.]

Legislative  
Records of the  
Council,  
viii., 370.

Mass.  
Archives,  
xlv., 364, 365.

Mass.  
Archives,  
xlv., 363.

<sup>1</sup> Province Laws, ix., 16.

<sup>2</sup> Mass. Archives, Maps and Plans, 3d series, xxxiv., 15.

<sup>3</sup> Mass Archives, ii., 162.

<sup>4</sup> Mass. Bay Records, iv., part i., 51.



Mass. Bay  
Records, iv.,  
part i., 441.

*Ordered* that the Praier of the . . . Petition be Granted And that Captain John Chandler be Appointed to Survay five hundred acres of Vacant and unappropriated Land as may be found upon the Grant within mentioned, And to present a Plat thereof to this Court for Confirmation. [*Passed July 1,<sup>1</sup> 1708.*]

## CHAPTER 49.

(Province Laws, IX., 22.)

ORDER APPOINTING ELISHA HUTCHINSON, ESQ., AND OTHERS, A COMMITTEE TO CONSIDER THE RETURN OF MR. JAMES TAYLOR, AND OTHERS, OF THEIR NEW VIEW AND OBSERVATION AT THE COMMENCEMENT OF THE SOUTH LINE, VIEW THE RECORDS, STATE THE CASE IN A TRUE LIGHT TO THE PLANTATION BOARD AND DRAW UP A LETTER TO CONNECTICUT THEREUPON.

Legislative  
Records of the  
Council,  
viii., 383.

Legislative  
Records of the  
Council,  
viii., 382.  
*Ante*, p. 763,  
chap. 31.

*Ordered* that Elisha Hutchinson, Samuel Sewall Esq<sup>rs</sup> & [Isaac Addington, Esq.,]<sup>2</sup> the Secretary be a Committee, with such as shall be named by the Representatives to Consider the Return of Mr [James]<sup>3</sup> Taylour [Taylor]<sup>3</sup> &c upon their new View & Observation made at the Commencement of our Southern Line, & to view the Records, & make a State of that Affair, & set it in a true Light, proper to be transmitted to the Plantation Board for our Defence, And to draw up a Letter to Connecticut thereupon; And John Clark & Josiah Chapin Esq<sup>rs</sup>, Mr James Barns, & Major Samuel Thaxter are named by the Represent<sup>ves</sup> to join in the Affair above said. [*Passed July 3, 1708.*]

## CHAPTER 60 a.<sup>4</sup>

VOTE ACCEPTING A MEMORIAL REFERRING TO THE SOUTH LINE OF THE PROVINCE OF THE MASSACHUSETTS BAY IN NEW ENGLAND PRESENTED BY ELISHA HUTCHINSON FOR THE COMMITTEE AND DIRECTING HIS EXCELLENCY TO TRANSMIT THE SAME TO BE IN READINESS TO BE PRESENTED TO THE RIGHT HONORABLE THE LORDS OF THE COUNCIL OF TRADE AND PLANTATIONS IN CASE THE ACT OF CONNECTICUT BE OFFERED FOR HER MAJESTY'S APPROBATION.

Legislative  
Records of the  
Council,  
viii., 391.  
Mass.  
Archives,  
iii., 116, 117.

Mass.  
Archives,  
iii., 114, 115.  
*Supra*, chap. 49.

A MEMORIAL referring to the South Line of the Province of the Massachusetts Bay in New Engl<sup>d</sup>.

May it Please yo<sup>r</sup> Lordd<sup>ps</sup>

The South-boundary of the late Colony of the Massachusetts Bay Granted by the Royal Charter in the Fourth year of the Reign of King Charles the first, and Since that Confirmed by the Royal Charter of the Third year of King William and Queen Mary, Is a West Paralel Line to commence at a certain Stadium in the Char-

<sup>1</sup> This date is June 23 according to Legislative Records of the Council.

<sup>2</sup> Province Laws, ix., 16.

BOSTON, April 20<sup>th</sup> 1711

<sup>3</sup> I the underwritten at the direction & Instance of his Excellency the Governour & the gentlemen concerned in y<sup>e</sup> running the Line & renewing of the bounds between this Province & the Collony of Road Island, According to the Line determined by Woodward & Saffrey; I find that a Line West four degrees & ahalfe Southerly is y<sup>e</sup> direct course from Woodward & Saffreys Station where they began y<sup>e</sup> Line, to Bissells Celler on Connecticut River: by Observation by me formerly made after the best of my Skill

JAM<sup>s</sup> TAYLOR  
Mass. Archives, ii., 162.

<sup>4</sup> Omitted from Province Laws, ix., 26.



ter mentioned Viz<sup>t</sup> Three English miles to the Southward of the South part of Charles River, Or of any and every part thereof; And three English miles to the Southward of y<sup>e</sup> Southermost part of the Bay called Massachusetts.

This Line was actually run by Nathaniel Woodward and Solomon Saffery, two Approv'd Skilful Artists in the year 1642, who returned a Plat<sup>1</sup> thereof; And that Line then so drawn has continued the Stated boundary ever since to this time, being Sixty six year's past.

The Charter of Connecticut Colony Granted in the year 1662, being Twenty year's after the running of the said Line, is bounded by the Massachusetts South Line; which was not an Imaginary Line; but actually Stated upon y<sup>e</sup> ground and well known to the Gentleman Gov<sup>r</sup> [John]<sup>2</sup> Winthrop that Solicited that Charter; who, had he thought it controvertible; would doubtless have Obtained an Order for the rectifying and Adjusting thereof; but accepts a Grant circumscribed by that Line as a certain known boundary.

Upon the Supposit<sup>a</sup>, but not Granting, there should be some small Error or Mistake in the Line as then stated; which was done with the utmost Skill and care, and that so long before the Grant of Connecticut Charter, and held by Possession for Sixty Six year's (little, if anything short of Prescription) and several Towns and Plantations Granted and Setled upon the same.

It's Conceived, with Submission, It will not be Thought reasonable That the same be drawn into Question or Contested And the Queen<sup>s</sup> [Anne's]<sup>3</sup> Subjects be Molested and Ousted of the peaceable Enjoyment of their Lands and Possessions held by virtue of Grants from this Government, cultivated by much hard Labour and Cost for the reforming and Peopling of a rude Wilderness; and that upon pretext of Claim either of Jurisdiction or Property, Especially without a due hearing and Orderly Determination contrary to the known axiome, *Melior est Conditio possidentis*.

What appearance there may be of any Variance, upon a new Trial since made, in favour of Connecticut, and y<sup>t</sup> there is a mistake in the Line as formerly run.

If any such thing be, It is not of Necessity to conclude that it is on that Side; But it may more reasonably and strongly be Inferred the Mistake is on the other hand, for that as is Insinuated the Difference is so wide at the Commencement, and so little at John Bissell's a place most certainly Knowne, Lying West of Connecticut River about halfe a mile distant, on the North End of the Town of Windsor.

Artists alike Skilful may differ in a point or some Minute thing, But its very Improbable and unlikely, the Difference can be so great.

And this Government have as great reason to believe the Truth of the Observations first and anciently made, as Connecticut can have to be confident and Insist upon the Later Tryal.

And upon a View of the Course of Charles River and by a new Observation Taken are made certain That the South Line goes several miles to the Southward of that which Connecticut so much depend on; and by their Act Insist to have the Line commence at the Station where an Observation was made by m<sup>r</sup> [James]<sup>4</sup> Taylor in the year 1702, who is fully convinced and made Sensible by having since Viewed the course of Charles River, & Measured off Three English miles Southward of the South part thereof, and there Taken an Observation, That he was before misled and Im-

<sup>1</sup> Mass. Archives, Maps and Plans, 3d series, xxxiv., 15.

<sup>2</sup> Connecticut Register and Manual.

<sup>3</sup> Whittaker's Almanack, 1920, 115.

<sup>4</sup> Mass Archives, ii., 162.



pos'd on as to the place for the first Station; There being some miles Difference in favour of this Province, as Appear's by his Report,<sup>1</sup> accompanying this Memorial.

All which is humbly Submitted to your  
Lord<sup>ps</sup> Judicious Consideration.

ELISHA HUTCHINSON  
ord<sup>r</sup> of the Comitte

In Council.

Read and Accepted. And that his Excell<sup>y</sup> [Joseph Dudley, Esq.,]<sup>2</sup> Be Desired to Transmit the same to be Lodged so as to be in readiness to be present<sup>d</sup> to the R<sup>t</sup> Hon<sup>ble</sup> y<sup>e</sup> Lords of the Council of Trade & Planta<sup>cons</sup>. In case the Act of Connecticut Governm<sup>t</sup> be Offered for Her Ma<sup>ty</sup>s [Queen Anne's]<sup>3</sup> Approbation.

Sent down for concurrence.

In the House of Representatives

Read, & Concurr'd [Passed October 22, 1708.]

## CHAPTER 64.

(Province Laws, IX., 27.)

ORDER APPOINTING A HEARING ON THE PETITION OF THE INHABITANTS OF TAUNTON NORTH PURCHASE, AND DIVERS OF TAUNTON OLD TOWNSHIP, TO HAVE A PRECINCT SET OFF FOR THE MINISTRY.

Legislative  
Records of the  
Council,  
viii., 391.  
Mass.  
Archives,  
cxiii., 510.

Mass.  
Archives,  
cxiii., 511, 512,  
516, 517.

UPON READING A PETITION of the Inhabitants of Taunton North Purchase, & divers of Taunton old Township, Praying to have a Precinct set off for the Ministry;

*Ordered* That the Selectmen of Tanton be Served with a Copy of this Pet<sup>con</sup> and heard thereupon before this Court, . . . if any thing they have to Say, why the Prayer of the within Petition should not be Granted.

And That the Hearing be upon the Second Tuesday, of the next Session of this Court. [Passed October 25, 1708.]

## CHAPTER 75.

(Province Laws, IX., 30.)

ORDER APPOINTING A HEARING ON PETITION OF TAUNTON SOUTH PURCHASE, WITH SEVERAL OF THE OLD TOWNSHIP, TO BE MADE A SEPARATE PRECINCT.

Legislative  
Records of the  
Council,  
viii., 397.  
Mass.  
Archives,  
xi., 258.

Mass.  
Archives,  
xi., 260.  
*Supra*, chap. 64.

UPON READING A PETITION of the Inhabitants of Taunton South Purchase, with several of the old Township, . . . Praying to be made a separate Precinct for the Ministry.

*Ordered* That the Pet<sup>rs</sup> cause the Selectmen of Tanton to be Served with a Copy of this Petition and that they be heard thereupon before this Court on the Second Tuesday of their next Session; If anything they have to Say why the Prayer thereof may not be Granted. [Passed October 29, 1708.]

<sup>1</sup> [James Taylor's Report is not to be found in the Massachusetts Archives, the following data are from Mass. Archives, iii., 115a.]

1642 Woodward and Saffery y<sup>r</sup> Observation at three miles to the Southward of Wrentham Pond La<sup>td</sup> 41-55m [Mass. Archives, Maps and Plans, 3d series, xxxiv., 15.]

1702 Taylors Observation  
To the Southward of Wrentham Pond . . . . . 42- 2-30  
at Dedham Tree . . . . . 42- 3-30  
at Bissells . . . . . 41-56-30  
at Hartford . . . . . 41-48-

From the place of Observation at Hartford to the place of Observation at Windsor by Measure 8 mile  $\frac{1}{2}$ .

<sup>2</sup> Province Laws, ix., 3.

<sup>3</sup> Whittaker's Almanack, 1920, 115.



## CHAPTER 76.

(Province Laws, IX., 31.)

ORDER ANNEXING THE TRACT OF LAND BELONGING TO BARNABAS LOTHROP, AND OTHERS, LYING BETWEEN THE COUNTIES OF PLYMOUTH, BARNSTABLE AND BRISTOL, ADJOINING TO AND PARTLY BOUNDED BY ROCHESTER, TO THE COUNTY OF PLYMOUTH AND UNDER THE CONSTABLERICK OF ROCHESTER UNTIL FURTHER ORDER.

[ON THE PETITION of Barnabas Lothrop, Esq., in behalf of himself &c. Referring to a Tract of Land lying between the Counties of Plimouth, Barnstable & Bristol, Adjoining & partly bounded by the Land of Rochester purchased of the Indian Natives, & confirm'd to the said Purchasers by the General Court of the late Colony of New Plimouth, Praying that the said Land may be put within the Constablerick of Rochester, & in the County of Barnstable.]

In Council June 8, 1708

Read and

*Ordered* That the Tract of Land therein mention'd be annex'd to the County of Plymouth, and at present put under the Constablerick of Rochester, until this Court shall see cause otherwise to Order.

In Council Oct<sup>r</sup> 29, 1708

Read and Revived

In the House of Representatives

Read & Concurred. [*Passed October 29, 1708.*]

Legislative  
Records of the  
Council,  
viii., 397.  
Mass.  
Archives,  
xiv., 345.  
Mass.  
Archives,  
xiv., 343, 344,  
346-349.  
Legislative  
Records of the  
Council,  
viii., 359.  
*Ante*, p. 746,  
chap. 118.

## CHAPTER 83.

(Province Laws, IX., 34.)

ORDER DIVIDING ANDOVER INTO TWO PRECINCTS, GRANTING THE PRESENT MEETING-HOUSE TO THE NORTH PRECINCT, PROVIDING FOR THE MINISTRY AND A MEETING-HOUSE IN THE SOUTH PRECINCT, ALLOWING MR. THOMAS BARNARD, THE PRESENT MINISTER, TO CHOOSE HIS CONGREGATION AND THE OTHER PRECINCT TO CALL AND SETTLE ANOTHER MINISTER.

AS A FINAL ISSUE of the Case of Andover referring to their Meeting House.

It appearing by the scattered Settlement of the Inhabitants of the Town and the Insinuation of the persons attending on both sides that the Town is capable of Supporting two Congregations and Ministers; And their Inclination thereto.

*Ordered* That they be forthwith Divided into two Distinct Precincts, And that Col. [Francis]<sup>1</sup> Wainwright, Maj. [Stephen]<sup>1</sup> Sewall, Maj. [Henry]<sup>1</sup> Somerby & Nehemiah Jewett Esq<sup>r</sup> be a Committee to perform that Division and make it Equal for a North and South precinct, within the space of Two months next coming; Unless in the Interim the Town agree thereof and make it themselves. And that thereupon the North Division take the present Meeting House for their Service, and repair and add to it as they please.

That there be forthwith laid out for the Ministry of the South precinct, fourteen acres of Land for a House Lot, and forty acres at a further distance, part of it low Land to make meadow, of the Common Land in s<sup>d</sup> precinct which will make them Equal to the other Division; To be for the use of the ministry for ever.

Legislative  
Records of the  
Council,  
viii., 402.  
Mass.  
Archives,  
xi., 277.  
Mass.  
Archives,  
xi., 263 bis-  
268, 270.  
Province  
Laws, ix., 27,  
chap. 63.

<sup>1</sup> Province Laws, ix., 122, chap. 9.



That the Inhabitants and Proprietors of the South Division build a Convenient Meeting House for their own use, and a ministry House.

Upon which m<sup>r</sup> [Thomas]<sup>1</sup> Barnard the present minister shall declare his choice of which Congregation he will Officiate in; And that Precinct, North or South, shall fully and wholly perform the past Contract of the Town with him. And the other precinct and Division of the Town shall call and Settle another Minister for themselves.

And the Inhabitants of the respective Precincts and Divisions are hereby Impowred to make choice of some discreet persons among themselves as Committees respectively to manage & Govern their affair's with respect to the building a Meeting and Ministry Houses, the making assessments to defrey the Charge Thereof and for the Support of the Ministry; And to appoint Collec[tors] to Gather the same.

And are Advised and Directed to proceed in these several artic[es] with that peace and friendship one towards another that they may Honour Religion, the Government and themselves. [*Passed November 3, 1708.*]

## CHAPTER 91.

(Province Laws, IX., 36.)

ORDER CONFIRMING THE VOTE OF THE TOWN OF BRAINTREE DIVIDING SAID TOWN INTO NORTH AND SOUTH PRECINCTS FOR THE MORE REGULAR AND CONVENIENT UPHOLDING OF THE WORSHIP OF GOD.

Legislative  
Records of the  
Council,  
viii., 408.  
Mass.  
Archives,  
xi., 272.

Mass.  
Archives,  
xi., 271, 273.  
*Ibid.*, p. 756,  
chap. 65.

ON A PETITION of Coll. Edmund Quincey [Quinsey]<sup>2</sup> & Nehemiah [Nemiah Hayden]<sup>2</sup> Heyden in Behalf of the Town of Brantrey, Praying this Courts Approbation and Confirmation of the Vote & Agreem<sup>t</sup> of the said Town, That there should be two distinct Precincts in the said Town for the more regular & convenient Upholding of the Worship of God, And that the divisional Line between the North & South Precinct begin at the Head of the Ship Cove by John Newcomb sen<sup>r</sup> (Taking in his Living to the South End) And so to run from the Head of the said Cove to the Common, And so to run from the Common to the Line between John Pennyman jun<sup>r</sup> & Samuel Vesey, And then Running upon the Line between Theophilus Curtis & Francis Legarie, As also Running upon the Line between Sergeant [Samuel]<sup>3</sup> Paynes & James Pennyman's Land to the Common, And from thence to the North West Corner of Faxon's Farm, & to the North West Corner of Aldridges Farm, And so to run from the said Corner of said Farm from mark'd Trees to the Mouth of Blew Hill River, [where it comes into moor<sup>s</sup> River,]<sup>3</sup> And so by said Blew Hill River to Dorchester upon the Blew Hill Line;

*Ordered* that the Praier of this Petition be Granted, and That Two Precincts, be settled, and Confirmed, according to the vote of the town of Brantrey annexed.<sup>3</sup> [*Passed November 5, 1708.*]

<sup>1</sup> Bailey, Historical Sketches of Andover, 427.

<sup>2</sup> Mass. Archives, xi., 271.

<sup>3</sup> *Ibid.* 273.



## CHAPTER 102.

(Province Laws, IX., 39.)

ORDER FOR LAYING OUT 800 ACRES OF LAND TO THE HEIRS OF  
MR. JONATHAN WADE OF IPSWICH.

ON A PETITION of Edward Wade one of the Grand Children of Mr Jonathan Wade of Ipswich Merchant Dec<sup>d</sup> Praying that Eight Hundred Acres of vacant Land upon two several Grants formerly made by the General Court may be laid out,

*Ordered* that Eight Hundred acres of Land, be Laid out by a Sworn surveyer, to the Heires of Mr Jonathan Wade the first grantee within mentiond at their charge, in any place of this Province that shall not Intrench upon any former Grant or Grants, a Plat thereof to be laid before this Court for Confirmation. [*Passed November 6, 1708.*]

Legislative  
Records of the  
Council,  
viii., 410.  
Mass.  
Archives,  
xlv., 367.  
Mass.  
Archives,  
xiv., 363, 369.  
*Ante*, p. 701,  
chap. 30.

## CHAPTER 118.

(Province Laws, IX., 45.)

VOTE ACCEPTING THE PROPOSAL OF SHERBORN AND FRAMING-  
HAM FOR ISSUING THEIR DIFFERENCE RELATING TO SEVEN-  
TEEN FAMILIES ON CONSENT OF THOSE INTERESTED AND THE  
PRESENTATION OF A PLAT OF THE EQUIVALENT LAND.

UPON READING A PROPOSAL offer'd by Mr Samuel Bullard Represent<sup>ro</sup> for Sherburn, & Joseph Buckminster & Thomas Drury, on Behalf of Framingham for Issuing their Difference relating to seventeen Families in Controversy,

[*Voted* that the said Proposal be]<sup>1</sup> Accepted, Provided, That Bullard & Buckminster Two of the Subscrib<sup>rs</sup> procure the Consent of the Towns of Sherborn & Framingham respectively, & the seventeen Family's, and present y<sup>e</sup> Same to this Court at their next Session. And a Platt of the Land proposed for an Equivalent, when it shall be found, to be Afterwards Offered to this Court for Confirmation. [*Passed February 25,<sup>2</sup> 1708[-9].*]

Legislative  
Records of the  
Council,  
viii., 419.  
Mass.  
Archives,  
cxiii., 482.  
Mass.  
Archives,  
cxiii., 481, 483.  
*Ante*, p. 701,  
chap. 23.

## CHAPTER 5.

(Province Laws, IX., 59.)

ORDER REVIVING THE ORDER OF 1704 PROVIDING FOR THE LAY-  
ING OUT AND SETTLING OF THE BOUNDS OF TISBURY AND THE  
NEIGHBORING TOWNS AND THE LIMITS OF THE INDIAN TOWN.

UPON A PETITION of the Proprietors & Inhabitants of Tisbury in Dukes County, Setting forth that the General Assembly at their Session in the Year 1704, Did appoint & Impower Nathaniel Thomas Esq<sup>r</sup> & Major William Basset a Committee to lay out & settle the Bounds of Tisbury & the Neighbouring Towns, & the Limits of the Indian Town, Who have hitherto neglected, & declined to Act therein, So that it remains uneffected to the great Damage of the Petitioners;

*Ordered* That the Order of this Court referr'd to in y<sup>e</sup> Pet<sup>con</sup> be revived; And that John Otis Esq<sup>r</sup> and Major William Bassett be a Committee for that affair. [*Passed June 1, 1709.*]

Legislative  
Records of the  
Council,  
viii., 436.  
Mass.  
Archives,  
xxxi., 54.  
*Ante*, p. 730,  
chap. 68.

<sup>1</sup> Inserted from the Legislative Records of the Council.<sup>2</sup> This date is February 23 according to Legislative Records of the Council.



## CHAPTER 14.

(Province Laws, IX., 62.)

RESOLVE APPOINTING NATHANIEL THOMAS, ESQ., AND OTHERS, A COMMITTEE TO REPAIR TO TAUNTON, SET OFF THE NORTH AND SOUTH PRECINCTS AND ADVISE AND DIRECT THE MOST SUITABLE PLACES FOR RAISING THEIR MEETING-HOUSES, AT SAID PRECINCTS' CHARGE.

Legislative  
Records of the  
Council,  
viii., 441.  
Mass.  
Archives,  
cxiii., 518, 519.

UPON THE HEARING of the several Petitions of the Inhabitants of the North and South Purchases in Tanton, to be made Seperate Precincts for the Settling and Support of the ministry in the respective places

Mass.  
Archives,  
xi., 297-300;  
cxiii., 509.  
513-515, 518.  
Ade, p. 766,  
chaps. 64, 75.

*Resolved* that Nathaniel Thomas, Nathaniel Byfield and James Warren Esq<sup>s</sup> be a Committee to repair to Tanton, and view the s<sup>d</sup> several Purchases, & upon Consideration of all circumstances, to Set off proper precincts to Encourage the good Ends Desired by the Pet<sup>rs</sup> and to Advise and Direct to the most Sutable places for the raising of their Meeting Houses. And to make their Report to y<sup>e</sup> next Sessions of this Court for Confirmation. Nathaniel Thomas Esq<sup>r</sup> to Appoint the time The charges of the s<sup>d</sup> Co<sup>m</sup>ittee to be born by the s<sup>d</sup> Precincts. [*Passed June 8, 1709.*]

## CHAPTER 27.

(Province Laws, IX., 66.)

Legislative  
Records of the  
Council,  
viii., 446.  
Mass.  
Archives,  
cxiii., 494.

ORDER APPOINTING A HEARING ON THE BOUNDARY BETWIXT HATFIELD AND HADLEY.

ON A PETITION of the Town of Hatfield, with Reference to the Bounds betwixt them & Hadley, Read. &

Mass.  
Archives,  
cxiii., 490-493;  
Maps and  
Plans, 3d series,  
xxxiii., 8.

*Ordered* that the Town of Hadley berserved with a Copy of this Petition, with Direction, to shew cause if any they have, why the Prayer thereof should not be Granted, on the 2<sup>d</sup> wednesday of y<sup>e</sup> next session. [*Passed June 14, 1709.*]

## CHAPTER 34.

(Province Laws, IX., 68.)

ORDER ENLARGING THE TIME FOR FULFILLING THE CONDITIONS OF A PLANTATION GRANTED SUNDRY INHABITANTS OF SPRINGFIELD IN 1701, FOURTEEN MILES EASTWARD OF SAME, AND ADDING MAJ. JOHN PYNCHON TO THE COMMITTEE IN PLACE OF HIS FATHER, COL. JOHN PYNCHON, DECEASED, ON CONDITION THAT A PLAT OF SAID GRANT BE LAID BEFORE THIS COURT IN THE MAY SESSION, 1710.

Legislative  
Records of the  
Council,  
viii., 448.  
Mass.  
Archives,  
cxiii., 496.

ON A PETITION of sundry of the Inhabitants of Springfield referring to a Tract of Land about fourteen Miles Eastward of Springfield, Granted them for a Plantation by the General Assembly Anno 1701, under certain Limitations & Conditions, W<sup>ch</sup> they have not been able to perform hitherto, by Reason of the Distress of the War, Praying for Enlargement of the Time, and that Major John Pynchon may be added to the Committee for the Affair in the Room of his Father Coll. Pynchon Dec<sup>d</sup>

Mass.  
Archives,  
xi., 195, 196.  
Ade, p. 712,  
chap. 47.

*Ordered* That the Prayer of this Petition be Granted, that Maj<sup>r</sup> John Pynchon, be added to the Co<sup>m</sup>ittee in the place of Col: John



Pynchon Dec<sup>d</sup>. And that the Term of four Years, after the Conclusion of the present War, with France & Spaine be Allowed to the Petitioners, to Comply with the Conditions of their Grant.

Provided That a Survey and Plat of the said Tract of Land, be taken and Laid before this Court at their Session in May 1710.  
[*Passed June 15, 1709.*]

## CHAPTER 35.

(Province Laws, IX., 68.)

### VOTE ACCEPTING THE REPORT OF THE COMMITTEE DIVIDING ANDOVER INTO NORTH AND SOUTH PRECINCTS.

PERSUANT TO AN ORDER of the Generall Court: bareing Date the Twentyeth day of October: 1708. to us the Subscribers Directed for the divideing the Township of Andever into two distinct precincts, &ct Haveing been upon the place in February last: And now again on the Eleventh, and Twelfth of Aprill Instant: and veiwed the Severall parts of said Township together with the best Information we could obtain: and caused the Same to be measured by an Artist. Have accordingly perform<sup>d</sup> said Division To make it Equall for a Northern and Southern precinct, as hereafter is Exprest: viz: beginning at a Great pitch Pine Tree neer Merimack River, mark<sup>t</sup> with stones about it. at the Westerly corner of Richard Barker<sup>s</sup> land, and is said to be the bounds between his Land, and John Gutterson<sup>s</sup> Land. So Called. from said Pine tree on a Streight Line, to a stake, and heap of Stones about it: at the Corner bounds between Walter Right, and Hooker Osgood: And from thence on a Streight Line, to a white Oak tree, marked with A: and R: being a bound tree between said Town of Andever, and Redding with stones about it: standing on a hill known by the name of Osgoods hill.

It is to be understood, by this Divisional Line made on this return that the now Dwelling houses of Richerd Barker and Walter Wright aboves<sup>d</sup> be within the North precinct the Dwelling houses of John Gutterson, and Hooker Osgood afores<sup>d</sup> Ebenezer Barker: Joseph Lovejoy, and Nicholas Holt sen<sup>r</sup> lye and remain to the South precinct. they being within, or very neer to s<sup>d</sup> Precinct Line

FRANCIS WAINWRIGHT  
STEPHEN SEWALL  
NEH: JEWETT.  
HENRY SOMERBY.

Legislative  
Records of the  
Council,  
viii., 449.  
Mass.  
Archives,  
cxiii., 489.

Legislative  
Records of the  
Council,  
viii., 451, 448.  
*Ante*, p. 767,  
chap. 83.

In Council

Read and accepted

In the House of Representatives

Read & Concurr'd. [*Passed June 15, 1709.*]



## CHAPTER 63.

(Province Laws, IX., 78.)

ORDER APPOINTING SAMUEL PARTRIDGE, ESQ., AND OTHERS, A COMMITTEE TO RUN THE SOUTH LINES OF ENFIELD AND SUFFIELD AND ENJOINING THE INHABITANTS OF SAID TOWNS FROM IMPROVING PROVINCE LANDS.

Legislative  
Records of the  
Council,  
viii., 467.  
Mass.  
Archives,  
iii., 122a.

Mass. Bay  
Records,  
v., 12, 410.  
*Ante*, p. 763,  
chaps. 30, 31.

*Ordered* that, Samuel Partridge, Joseph Parsons, and Samuel Porter Esq<sup>rs</sup> be a Com<sup>it</sup>tee (taking with them the assistance of an able surveyor, to Run, & state the south Lines, of the towns of Enfield & suffield, according to the Grants of their townships, from this Court,

That the Inhabitants of s<sup>d</sup> towns be & hereby are strictly Injoined to make no Improvement, on any Land, without y<sup>e</sup> s<sup>d</sup> Lines they having no Right to make Improvement on any Province lands without their own particular Grants. [*Passed August 27, 1709.*]

## CHAPTER 64.

(Province Laws, IX., 78.)

ORDER APPOINTING JOHN CUSHING, ESQ., AND OTHERS, A COMMITTEE TO RUN THE SOUTHERN LINE AND EMPOWERING THEM TO TAKE OUT PAPERS AND RECORDS IN ORDER THAT THEY MAY BE READY TO MEET THE COMMISSIONERS FROM RHODE ISLAND.

Legislative  
Records of the  
Council,  
viii., 467.  
Mass.  
Archives,  
iii., 123.

Executive  
Records of the  
Council,  
v., 83. *Ante*,  
p. 763, chaps.  
30, 31.

*Ordered* that John Cushin[g]<sup>1</sup> Esq major [Samuel]<sup>1</sup> Thaxter Captain [Josiah]<sup>1</sup> Chapin Captain [Joseph]<sup>2</sup> Morse & Captain [Robert]<sup>1</sup> Ware be a Com<sup>it</sup>tee of the Court for renewing the Southern Line & that they forthwith take out papers & records to Enable them to find the Line & that they proceed in the affayr forthwi[th] so as to be ready to meet the Comissioners from Road Iland at a time appoynted. [*Passed August 27, 1709.*]

## CHAPTER 72.

(Province Laws, IX., 81.)

VOTE ACCEPTING THE REPORT OF THE COMMITTEE APPOINTED FOR DIVIDING TAUNTON INTO NORTH AND SOUTH PRECINCTS, AND THEIR LOCATION OF THE MEETING-HOUSES ON CONDITION THAT THE EAST END OF THE NORTH PRECINCT SHALL BE SET OFF AS A PRECINCT WHEN ABLE TO MAINTAIN A MINISTER.

Legislative  
Records of the  
Council,  
viii., 470.  
Mass.  
Archives,  
xi., 296.

Mass.  
Archives, xi.,  
290, 297-304b.  
*Ante*, p. 770,  
chap. 14.

PURSUANT TO AN ORDER of the Great & Gen<sup>l</sup> Court dated<sup>d</sup> June y<sup>e</sup> 8<sup>th</sup> 1709 to us Directed to Repaire to Tanton & vew the severall Tracts of land which the Inhabitants of the North & south Purchases in Tanton have Petitioned to be made separte precincts for the settleing & suport of the Minestry in the said Respective Places

And We the subscribers haveing vewed the said severall Tracts & heard the allegations of the opposite Partys therto upon Consideration of all Circomstances have set the bounds of the said severall precincts as followeth that is to say That the bounds of the North Precinct (according to their Petition) shall begen at the

<sup>1</sup> Province Laws, ix., 54.

<sup>2</sup> *Ibid.*, 384.



line between the two late Colonys of the Massachusetts & Plimouth in the line of the bounds between Taunton North Purchas & Attlebury, & from thence Southward to Rehoboths North East Corner & from thence Eastward on the said North Purchas line to Taunton bounds, & from thence Eastward to the mouth of the brook Called burts brook leaving out Cap<sup>t</sup> Hodges's land at Burts brook & Extending from the mouth of birts brook to the bridg made over the mill River near W<sup>m</sup> Witherells & from thence North Eastward to the North Purchas line & from the North Purchas line the Road that leads from said Brig towards Boston to be the bounds till it Come to the line between the said late Collonys, which line to be the bounds to attlebury bounds afores<sup>d</sup>.

And that the Meeting house for the said North Precinct be sett on the Northward side of the way that leads over Rumford River at Crosmans Way, at the Place where the way Croseth it that leads from John Hodges's to the Beech Island.

And the bounds of the Precinctt of the South Purchas afores<sup>d</sup> shall (according to their Peti[t]ion) be the Line between Tanton Town old Bounds & the said South Purchas & from the Mouth of three mile River to the maple Tree att assonitt River at the head of Free Town land. And that the Meeting house for the said South Precinct shall be set on the West side of the way near Cap<sup>t</sup> Jerard Talbutts house according as the Petitioners have agreed. In Testimony wherof We have hereunto set our hands

{ NATHANIEL THOMAS  
{ N[ATHANIEL] BYFIELD  
{ JAMES WARREN

In Council.

Read and accepted.

In the House of Representatives.

Read, & Concurr'd Provided that the East End of the north Purchase, Shall have halfe the Said Purchase, as their Precinct, when they are able to maintain a minister, & this Court Judge them so.

In Council. Agreed. [*Passed September 19,<sup>1</sup> 1709.*]

## CHAPTER 78.

(Province Laws, IX., 83.)

### VOTE ACCEPTING THE REPORT OF THE COMMITTEE FOR RUNNING THE SOUTH BOUNDS OF SUFFIELD.

THE REPORT of the Committee for Running the Bounds of Suffield in the County of Hampshire; Viz,

According to Order from the Great & General Court of the Massachusetts Bay Ordering us whose Names are underwritten to lay out the South Bounds of Suffield. On the 24<sup>th</sup> of September 1709, We met at Suffield afore said & began our Work about Half a Mile below the Point of the Island in Connecticut River on a Rising Ground from said River at a White Oak Tree, & where a Cellar had been dug being about eighty Rods above the Brook on the East Side of the River called Saltonstalls Brook, At said Tree we began & ran a true West Line full Seven Miles & a Half or near thereabouts, Which extended to a Brook called Salmon Brook within about twenty Rod on low Marishy land from said Brook, & near a rising Bank from said Marishy Land about five Rod, & near to the Fork of said River, Viz, Where it comes in two Streams

Legislative  
Records of the  
Council,  
viii., 480.

*Ante*, p. 772,  
chap. 63.

<sup>1</sup> This date is September 16 according to Legislative Records of the Council.



running into one, Where We set down a Stake & Heap of Stones round about it, As a standing Corner Bounds for the South West Corner of said Bounds of the Town, Also mark'd Trees on all Parts of said Line, as We runned & have fixed said Line, This East & West Line is about one Mile & Half to the Northward at the West End of it varying from the former Line.

Sept: 26. 1709:

{ SAM<sup>LL</sup> PA[R]<sup>1</sup>TRIDGE  
JOSEPH PARSONS  
SAM<sup>LL</sup> PORTER

[In Council]

The Survey & Renewall of the Bounds of Suffield Read & Accepted

[In the House of] Representatives

Read & Concur'd. [*Passed October 27, 1709.*]

## CHAPTER 111.

(Province Laws, IX., 92.)

ORDER DISMISSING THE PETITION OF HATFIELD AS TO ITS BOUNDS WITH HADLEY AND RECOMMENDING THAT HADLEY ACCOMMODATE HATFIELD ON CONSIDERATION OF THE MANY ADVANTAGES IT HAS OVER AND ABOVE HATFIELD, AND THAT THE NATURAL BOUND, THE RIVER, BE A DIVISION BETWIXT THE SAID TOWNS.

Legislative  
Records of the  
Council,  
viii., 494.  
Mass.  
Archives,  
cxiii., 494.

Mass.  
Archives,  
cxiii., 490-493.  
Legislative  
Records of the  
Council,  
viii., 489.  
*Ante*, p. 770,  
chap. 27.

UPON THE HEARING had before both Houses the fourth Currant betwixt Hatfield & Hadley, To Accomodate their Neighbours;

*Ordered* that the Petition [of Hatfield as to its bounds with Hadley]<sup>1</sup> be Dismiss'd.

And That it be Recommended by this Court, to the Selectmen and Inhabitants of Hadley to accomodate their Neighbours of Hatfield, (who Issued from themselves) In what they Desire; on Consideration of the many Advantages Hadley have, over and above Hatfield, and the natural bound the River will be for a Division betwixt the Towns. [*Passed November 8, 1709.*]

## CHAPTER 115.

(Province Laws, IX., 94.)

VOTE AND ORDER ACCEPTING THE REPORT OF THE COMMITTEE APPOINTED TO LAY OUT AND RUN THE BOUNDS OF TISBURY AND THE INDIAN TOWN IN DUKES COUNTY AND THAT TISBURY PAY SIX-SEVENTHS AND THE INDIAN TOWN ONE-SEVENTH OF THE CHARGE.

Legislative  
Records of the  
Council,  
viii., 494.  
Mass.  
Archives,  
cxiii., 534.

*Ante*, p. 789,  
chap. 5.

PURSUANT TO AN ORDER of the Great and Generall Court or Assembly begun and held att Boston upon wednesday, the 25<sup>th</sup> of May 1709. We John Otis and William Bassett in the month of October following did Lay out and Run the bounds of the Town of Tisbury In Dukes County, And did also settle the bounds of the Indian Town there according to the best Information that we Could gitt of the Indian names mentioned both in the Patent of Tisbury and Indian Deed, The bounds of Tisbury are as followeth viz<sup>t</sup> Begining att the Great Rock lying in the wash of the sea which is the Known Bounds att the north shore and thence Runing southerly by marked Range trees according to the former agree-

<sup>1</sup> *Ante*, p. 772, chap. 63.

<sup>2</sup> *Ante*, p. 770, chap. 27.



ment with the Town or Select men of Chilmark untill it Comes to the marked Oak tree or Sapling Standing on the north side of the path Caled the Schoolhouse path and thence as that path Extends unto y<sup>e</sup> Mill River att the place Caled Tyasquin, and thence Down by that River unto the Pond Caled the fresh pond, and thence Extending Round partly by s<sup>d</sup> pond and partly by the beach untill it Come to the Lower end of Watchett Neck, and thence Runing up the middle of that neck unto the path y<sup>t</sup> Leads to Edgertown Caled the mill path, and thence Runing from a marked pine tree standing on the north side of s<sup>d</sup> path where simon Newcombs path Leads out of s<sup>d</sup> Mill path on a streight Line to a stake standing on the beach neare the ware att or neare the place Caled Itchpoquasett att the north shore & thence bounded by the sea or sound untill it Come to the first mentioned Rock lying in the wash of the sea.

The Bounds of the Indian Town are as followeth viz<sup>t</sup> Begining att the stake standing on the Easterly side of the ware att the beach att or neare the place Caled Itchpoquasett and thence Runing westerly by the sea or sound untill it Come to a stake standing att the East Corner of Mattapaquaha pond by y<sup>e</sup> fence and thence Runing up southerly on a streight Line to a great Rock in the field Caled Papamoks field and from that Rock Extending Easterly unto a stake with stones about it standing on the plain Land over against y<sup>e</sup> house in which Robert Luce now Dwelleth and thence Runing down on a streight Line to a marked tree with stones about it standing att the head of the pond Caled Great Jameses pond att Itchpoquasett pond and thence down on a streight Line a Cross the s<sup>d</sup> pond unto the first mentioned stake standing on the beach.

JN<sup>o</sup> OTISW<sup>m</sup> BASSETT

In Council.

Read and accepted.

In the House of Representatives

Read &amp; Concurr'd [and]

*Ordered* that the Town of Tisbury pay Six Sevenths, & the Indian Town one Seventh part of the charge of the Committee.

In Council

Read and Concurr'd. [*Passed November 9, 1709.*]

## CHAPTER 129.

(Province Laws, IX., 98.)

### VOTE ACCEPTING THE REPORT OF THE COMMITTEE FOR RUNNING THE SOUTH BOUNDS OF ENFIELD.

ACCORDING TO AN ORDER of the Generall Co<sup>r</sup>te bareing date Aug<sup>t</sup> 1709 Wee the Subscribers On y<sup>e</sup> 23 Septembr meete at Enfeild in order to the Setleing of sayd towns Southerly Bounds according Unto which we first measured their North & South Bounds & finde it together with m<sup>r</sup> Saltonstalls Farm & m<sup>r</sup> William Pynchons Farm to be in bredth from the mouth of Long Meadow brook where it Emties itself into Coniticot River to the South Bounds of m<sup>r</sup> Wm Pynchons Farm (being the Southerly Farm of the two above-mentioned) Six Miles & One q<sup>r</sup> of a Mile or just therabouts & in as much as we finde s<sup>d</sup> two Farms were Granted by our Generall Co<sup>r</sup>te many years Since & besides s<sup>d</sup> Farms Enfield wants nere half a Mile of their bredth & Col<sup>l</sup> Pynchon Run the Bounds for s<sup>d</sup> Town and Farms together & so run the East & West Line viz

Legislative  
Records of the  
Council,  
viii., 503.  
Mass.  
Archives,  
cxiii., 532.

Mass.  
Archives,  
iii., 122, 123;  
cxiii., 544-548.  
*Ante*, p. 772,  
chap. 63.



the Length of S<sup>d</sup> Town Shipp at the South side of m<sup>r</sup> Wm Pynchons Farm Wee alsoe there began to run the Length afores<sup>d</sup> at an old marked ash tree Nere the Bank of Coniticot River & so run East nere about ten Miles In which Line we have Used espeeiall care & paynes to be Exact in runing it & have Marked Trees & sett Bound marks all a Long the afores<sup>d</sup> Line between Six & Seven miles with o<sup>r</sup>selves p<sup>r</sup>sent & active about it & between 2 or 3 mile Most Remote from Town having given them Leading marks to go by by 2 or 3 men we appointed, Unto or nere the full Measure of ten Miles in Length without which Bounds Southerly we finde the Enfeild men have Exceeded s<sup>d</sup> Bounds & improved some few Trees for Tirpintine of wch according to Order we have inhibited them for the future all which we humbly p<sup>r</sup>sent as a returne of o<sup>r</sup> work in s<sup>d</sup> Service & desire in behalf of s<sup>d</sup> Town That the Line Now Run & fixed may be Established, In the Runing this Line which is a true Line it falls out at y<sup>e</sup> East End of it about One half of a mile more Northerly then Col<sup>l</sup> Pynchons Line was Run which favours & may mitigate the Complaints of Conitictet men 27 Sept<sup>r</sup> 1709.

SAM<sup>LL</sup> PARTRIDGE  
JOSEPH PARSONS  
SAM<sup>LL</sup> PORTER

In Council.

This Survey and renewall of the bounds of Enfield, Read and Accepted.

In the House of Representatives.

Read & Concurred [*Passed November 17, 1709.*]

## CHAPTER 148.

(Province Laws, IX., 104.)

ORDER APPOINTING COL. JONATHAN TYNG, AND OTHERS, A COMMITTEE TO INQUIRE INTO THE RESERVED LAND IN DRACUT AND WHAT NUMBER OF INHABITANTS IT MAY BE CAPABLE OF ENTERTAINING TO MAKE A STRONG TOWN.

Legislative  
Records of the  
Council,  
ix., 6.

*Ante*, p. 717,  
chap. 89.

UPON READING A PETITION of John Varnam of Dracutt in the County of Middlesex on Behalf of him self & others the Freeholders & Inhabitants of the said Town Praying that the Reserved Land within the Boundaries of the said Town in their Grant from the Gen<sup>l</sup> Assembly to be at the Dispose of the Governm<sup>t</sup> may be allotted out to & among such as shall come to settle among them as the Freeholders & Proprietors may think fit;

[In Council]

*Ordered* that Coll. Jonathan Tyng, Cpt. John Lane, Cpt. Edward Johnson & Lieu [Samuel]<sup>1</sup> Hill with such as shall be added to them by the Representatives be a Committee to enquire into the Quantity of the reserved Lands mentioned in the within recited Order & make Report thereof to this Court at their next Sitting, And what Number of Inhabitants it may be capable of Entertaining to make a strong Town;

[In the House of Representatives]

Concur'd with the Addition of M<sup>r</sup> John Sterns to be of the Committee. [*Passed February 6, 1709*[-10].]

<sup>1</sup> Legislative Records of the Council, ix., 33.



## CHAPTER 174.

(Province Laws, IX., 113.)

ORDER DIRECTING THE COMMITTEE FOR DIVIDING ANDOVER INTO A NORTH AND SOUTH PRECINCT TO LAY OUT THE MINISTERIAL LANDS IN THE SOUTH PRECINCT AND THE SELECTMEN TO PROVIDE FOR THEIR NECESSARY ENTERTAINMENT AND PAST EXPENSE.

UPON READING A MEMORIAL offered by George Abbot, Francis Dane & Joseph Chandler sen<sup>r</sup> on Behalf of the Inhabitants of the South Precinct in Andover, Setting forth that Pursuant to the Act of this Court for the Assigning & Laying out for the Ministry of the said Precinct Fourteen Acres of Land for a House Lott, & Forty Acres at a further Distance of the Common Land within the Precinct, They had applied to the Select Men & Town to give Order for the same, But were delayed if not denied, and

*Ordered* That the Committee appointed by this Court to make the Division of a North and South Precinct for the Ministry in Andover, and now directed to give a further attendance in that affair. Be and hereby are further Impowred to assigne and Lay out the fourteen and forty acres of Land to the use of the Ministry of the South Precinct according to the Order of this Court the Town neglecting to do the same. And that the Selectmen provide for y<sup>e</sup> necessary Entertainm<sup>t</sup> of the Committee whilst at Andover and for their past Expende there. [*Passed February 16, 1709*[-10].

Legislative  
Records of the  
Council,  
ix., 16.  
Mass.  
Archives,  
xi., 324.

Mass.  
Archives,  
xi., 323; li, 183.  
Province  
Laws, ix., 89,  
chap. 102.  
*Ante*, p. 767,  
chap. 83; p. 771,  
chap. 35.

## CHAPTER 5.

(Province Laws, IX., 120.)

ORDER THAT THE REMAINDER OF POCASSET PURCHASE, NOT INCLUDED IN TIVERTON, BE PLACED UNDER THE CONSTABLERICK OF TIVERTON, PROVIDED IT DOES NOT INTRENCH ON ANY FORMER GRANT OR PREJUDICE ANY CLAIM THERETO.

UPON READING A PETITION prefered by Joseph Wanton & Richard Barden [Borden]<sup>1</sup> Agents for the Proprietors & Town of Tiverton Setting forth that Part of their Purchased Lands called by the Indians Pocasset & Puncateese erected into a Township by an Act of the General Court in May 1694: named Tiverton are left out of the said Township for Want of Right Information of the Extent thereof, not being included within the Limits or Boundaries sett for the said Township by the aforesaid Act, being circumscribed only by Little-Compton, Freetown & Dartmouth, Whereby diverse Inconveniences & Damages have arisen & grown to the Purchasers & Proprietors of the said Lands; Praying that the said Act may be explained & enlarged so as to comprehend the Lands left out as afore said according to their Grant from the General Court of Plymouth; viz, To extend to the Bounds of Middleborough & Quitquiset Ponds.

*Ordered* that the remaining Part, of the Lands called Pocasset-Purchase not included within the Grant of Tiverton Township; Be Plac'd under the Constablerick of the S<sup>d</sup> Town of Tiverton, & within the County of] Bristoll, untill this Court Shall Order otherwise, Provided it doth not Intrench upon any former Grant, or Grants, or Prejudice any just claim thereto. [*Passed June 6, 1710.*

Legislative  
Records of the  
Council,  
ix., 30.  
Mass.  
Archives,  
cxiii., 552.

Mass.  
Archives,  
cxiii., 552, 553.  
Province Laws,  
i., 174, chap. 8.  
Plymouth  
Colony Records,  
vi., 29.

<sup>1</sup> Mass. Archives, cxiii., 552.



CHAPTER 5a.<sup>1</sup>

ORDER APPOINTING A HEARING ON THE PETITION OF CAPT. SAMUEL GARDNER AND OTHERS OF SALEM TO BE SET OFF AS A DISTINCT AND SEPARATE PARISH.

Legislative  
Records of the  
Council,  
ix., 30.  
Mass.  
Archives,  
xi., 341.  
Mass.  
Archives,  
xi., 340, 341.

UPON READING A PETITION of Cpt. Samuel Gardner & others of Salem Praying to be sett off as a distinct & separate Precinct for the Ministry.

*Ordered* That the Petitioners Serve the Select men of the Town of Salem with a copy of this Petition, notifying them to Shew reason if any they have why the Praier thereof may not be Granted, before this Court on Friday the 16<sup>th</sup> curr<sup>t</sup>. [*Passed June 6, 1710.*]

## CHAPTER 6.

(Province Laws, IX., 120.)

ORDER APPOINTING NATHANIEL THOMAS, ESQ., AND OTHERS, A COMMITTEE TO INQUIRE INTO THE ENCROACHMENTS ON INDIAN LANDS ABOUT MASHPEE AND SANTUIT PONDS, OYSTER ISLANDS AND ELSEWHERE IN BARNSTABLE AND SANDWICH, AND EMPOWERING THEM TO SEND FOR PERSONS, PAPERS AND RECORDS AND TO FORBID ALL STRIP AND WASTE.

Legislative  
Records of the  
Council,  
ix., 28.  
Mass.  
Archives,  
xxi., 68.  
Mass.  
Archives,  
xxi., 70.  
Plymouth  
Colony Records,  
vi., 159.

UPON READING A PETITION of Simon Popmenot & Joseph Peter in Behalf of them selves & other Inhabitants of the Indian Town of Mashpa in the County of Barnstable, complaining that the Town of Barnstable under Pretence of Running the Bounds of their own Town have taken off & appropriated to them selves a considerable Part of the Lands belonging to the Indians aforesaid firmly [*sic*] given to them & their Children for Ever by Wepupkwish & Tookenshashen two Indian Sachems & Confirmed to them by the Court at Plimouth to the very great Grievance of the Petitioners, there being already two Houses built on the said Land: Praying speedy Remedy.

*Ordered* that Nathaniel Thomas, Isaac Winslow James Warren and Samuel Thaxter Esq<sup>rs</sup> or any three of them, with Such as shall be named by the House of Representatives, be and hereby are appointed and Impowred a Committee to repair to the County of Barnstable, and to Inquire of all Encroachments made on the said Indian Lands Lying about Mashpa & Santuit ponds Oyster Islands adjacent and upon any other Lands belonging to the Indians Lying within the Towns of Barnstable or Sandwich respectively And to send for persons papers and Records as they shall thinke fit for their better Information and Inquiry.

And to make their Report upon the whole to this Court at their next Session. And to forbid all strip and waste in the interim. [*Passed June 7,<sup>2</sup> 1710.*]

<sup>1</sup> Omitted from Province Laws, ix., 120.

<sup>2</sup> This date is June 3 according to Legislative Records of the Council.



## CHAPTER 10.

(Province Laws, IX., 122.)

ORDER THAT THE ELEVEN THOUSAND ACRES OF RESERVED LAND REPORTED BY THE COMMITTEE TO INQUIRE INTO SAME BE ADDED TO DRACUT AND APPOINTING JONATHAN TYNG, ESQ., AND OTHERS, A COMMITTEE FOR ORDERING, DISPOSING AND GRANTING LOTS AND DIVISIONS TO NEW INHABITANTS AND MINISTERIAL AND SCHOOL LANDS, TO SERVE UNTIL THIRTY FAMILIES ARE SETTLED.

UPON READING THE REPORT of the Committee appointed the last Session upon the Petition of John Varnam of Dracutt within the County of Middlesex on Behalf of him self & other the Freeholders & Inhabitants of the said Town, To make Inquiry into the Quantity of the Reserved Lands within the Boundaries of the said Town by Grant from the General assembly to be at the Dispose of the Government, Prayed for by the Petitioners, And what Number of Inhabitants it may be capable of Entertaining, to make a strong Town

Legislative  
Records of the  
Council,  
ix., 33.

*Ante*, p. 776,  
chap. 148.

*Ordered* that the Eleven Thousand Acres of Reserved Land reported by the Committee be added to the Township of Dracutt & that it may be well settled & disposed to strengthen the Town for their Defence against the Enemy as well as for the Support of an able orthodox Minister there; Jonathan Tyng Esq<sup>r</sup> Mess<sup>rs</sup> John Lane, John Sternes, Samuel Hill & Cpt. Edward Johnson or any three of them be & hereby are appointed & impowered a Committee for the Ordering, Disposing & Granting Lotts & Divisions in the said Eleven Thousand Acres to new Inhabitants, several having their Names already offered in the Papers: And the said Committee are directed & impowered to lay out a Farm of Three Hundred Acres for the Ministry in that Town & Two Hundred Acres for the Support of a School, And a good Lott & other Divisions of Lands equal with the other new Inhabitants for the Inheritance of the first settled Minister there; And the said Committee or others by this Courts Appointment shall stand & be a Committee for the Ends above said untill Thirty Families at least be introduced upon y<sup>e</sup> present granted Lands.

And to Make Report of their Proceedings from Time to Time to the General Assembly of the Province. [*Passed June 9, [1710].*]<sup>1</sup>

## CHAPTER 15.

(Province Laws, IX., 123.)

VOTE ANNEXING JOHN STEVENS, EBENEZER BARKER, JOSEPH LOVEJOY AND HOOKER OSGOOD, THEIR HOMESTEADS AND FAMILIES, TO THE NORTH PRECINCT OF ANDOVER, BUT PAYING THEIR PROPORTION OF THE CHARGE FOR BUILDING THE MEETING-HOUSE AND MINISTER'S HOUSE IN THE SOUTH PRECINCT.

ON THE REPORT of the Committee appointed to repair to Andover upon the Petition of John Stevens and others; viz.

We having fully heard & duly considered the Pleas & Allegations of the Petitioners referring to their Grievance by Reason of their falling into the South Precinct on the late Division of the said Town into two Precincts humbly offer as our Report that John Stevens, Ebenezer Barker, Joseph Lovejoy & Hooker Osgood, four

Legislative  
Records of the  
Council,  
ix., 36.  
Mass.  
Archives,  
xi., 327.

*Ante*, p. 777,  
chap. 174.

<sup>1</sup> Legislative Records of the Council erroneously reads 1720.



of the Petitioners, who dwell very nigh the dividing Line may have Liberty to belong to the North Precinct, W<sup>ch</sup> we propose & would hope would tend to their Peace in that Town.

FRANCIS WAINWRIGHT, NEHEMIAH JEWETT  
HENRY SOMERBY,<sup>1</sup> STEPHEN SEWALL.<sup>1</sup>

In Council

*Voted* that the four persons above-named be annex'd to the North Precinct for their Homesteads & Familys they paying their proportion of the charge in the South Precinct for building of the Meeting House and Ministers House, as was Ordered by this Court, at their Session in October past.

In the House of Representatives

Read & Concurr'd. [*Passed June 14, 1710.*]

## CHAPTER 16.

(Province Laws, IX., 123.)

ORDER DECLARING THAT AT THE NEXT SESSION THIS COURT WILL PROCEED TO THE CONSIDERATION OF GRANTING SEVENTEEN HUNDRED ACRES BORDERING ON NATICK (CLAIMED BY SAMUEL GOOKIN AND SAMUEL HOW) AS THEY SEE FIT, CONDITIONAL ON THE PAYMENT OF TEN POUNDS BY THE CLAIMANTS TO CAPT. JOSEPH MORSE, LIEUT. DAVID FISKE AND MR. JOSEPH SHERMAN FOR SURVEYING AND PLATTING THE SAME.

Legislative  
Records of the  
Council,  
ix., 36.  
Mass.  
Archives,  
xlv., 387.  
  
Mass.  
Archives,  
xlv., 385.  
*Ante*, p. 681,  
chap. 50.

UPON READING A PETITION of Cpt. Joseph Morse of Sherburn for him self & on Behalf of Lieu. David Fiske & M<sup>r</sup> Joseph Sherman, Praying the Affirmation & Revival of an Order of this Court made in the Year 1696: And that they may be effectually enabled to come at the Ten Pounds thereby directed to be paid them by M<sup>r</sup> Samuel Gookin of Cambridge & Samuel How of Sudbury, for their Service in Surveying & Platting out a certain Tract of Lands bordering on Natick, Claimed by the said Gookin & How; And upon Review of the said Vote or Order; viz; That the Seventeen Hundred Acres of Land according to the Platt presented to this Court by the afore-named Surveyours be confirmed unto the said Samuel Gookin & Samuel How & the Ter-Tenants holding under them, They & the said Ter Tenants Paying Ten Pounds for Surveying the Land, The Thousand Acres next to Sherburn to be reserved to the Indians, not to be disposed of but by Order of this Court.

*Ordered* that the s<sup>d</sup> Samuel Gooking [Gookin]<sup>2</sup> and Samuel Howe [How]<sup>2</sup> cause the s<sup>d</sup> Sum of Ten pounds to be paid to the Pet<sup>r</sup> for himselfe and partners before the next Session of this Court, or that then the Court proceed to the consideration of Granting the said 1,700. acres of Land as they shall thinke fit, the Tenure of it depending upon payment of the said Ten pounds. [*Passed June 14, 1710.*]

<sup>1</sup> Mass. Archives, xi., 327.

<sup>2</sup> *Ibid.*, xlv., 386.



## CHAPTER 21.

(Province Laws, IX., 125.)

ORDER DIRECTING THE RUNNING OF THE LINE BETWEEN SHERBORN AND FRAMINGHAM TO INCLUDE THE SEVENTEEN FAMILIES LATELY IN CONTROVERSY IN FRAMINGHAM AND FOR CONFIRMING TO SHERBORN FOUR THOUSAND ACRES UPON THEIR OFFERING THE PLAT AS DIRECTED IN THE FORMER ORDER.

IT APPEARING BY THE RETURN of the Representatives of Sherborn and Framingham and the Votes of the said Towns that the late orders of the General Assembly for their Settlement, are agreeable to them.

*Ordered* thereupon That the Line between the Towns be forthwith run, and that the Seventeen familys late in controversy be included within Framingham Line, and be accounted part of that Town forever.

And that Sherborn have their four Thousand acres confirmed to them upon their offering the Platt as is directed in the former Order of this Court. [*Passed June 16, 1710.*]

Legislative  
Records of the  
Council,  
ix., 39.  
Mass.  
Archives,  
cxiii., 484.

*Ante*, p. 769,  
chap. 118.

## CHAPTER 25.

(Province Laws, IX., 126.)

RESOLVE APPOINTING PENN TOWNSEND, ESQ., AND OTHERS, A COMMITTEE TO REPAIR TO SALEM AND VIEW THE PLACES PROPOUNDED FOR BUILDING A MEETING-HOUSE, OFFER THEIR OPINION OF THE MOST CONVENIENT PLACE AND PRECINCT FOR A NEW CONGREGATION AND REPORT AT THE NEXT SESSION OF THIS COURT.

## In Council

In the Affair of Salem, referring to a new Parish or Precinct petitioned for by some of the Inhabitants, heard before this Court on Friday the 16<sup>th</sup> currant

*Resolved* That Penn Townsend, John Appleton, Andrew Belcher & Nathaniel Norden Esq<sup>r</sup> or any three of them, with such as shall be joynd to them by the House of Representatives, Be a Committee to repair to Salem And upon full hearing of the petitioners and the Selectmen and others in behalfe of the Town; And view of the Places propounded for the building of a Meeting House, to offer their Opinion of the most convenient place, and precinct for a new Congregation Making Report upon the whole to this Court, at their next Session.

## In the House of Representatives.

Read & Concurr'd & that John Burrill Esq<sup>r</sup> Capt. Thom<sup>s</sup> Nickols, m<sup>r</sup> Samuel Balch, m<sup>r</sup> John Pierson, & M<sup>r</sup> John Greenland be Joined for the aff<sup>r</sup> abovementioned. [*Passed June 20, 1710.*]

Legislative  
Records of the  
Council,  
ix., 40.  
Mass.  
Archives,  
xi., 340, 341.

Mass.  
Archives,  
xi., 332-339, 362.  
*Ante*, p. 778,  
chap. 5a.



## CHAPTER 30.

(Province Laws, IX., 127.)

ORDER APPOINTING A HEARING UPON THE PETITION OF SUNDRY INHABITANTS OF REHOBOTH FOR A NEW PARISH OR PRECINCT, NOTICE TO BE GIVEN TO SAID TOWN.

Legislative  
Records of the  
Council,  
ix., 42.  
Mass.  
Archives,  
xi., 387a.  
Mass.  
Archives,  
xi., 386, 387.

UPON READING A PETITION of sundry Inhabitants of Rehoboth, Praying for a Parish or Precinct;

*Ordered* That the Petitioners Serve the Town of Rehoboth with a copy of this Petition, That they may Shew reason, if any they have why the Praier thereof Should not be Granted, on the first friday of the next Session. [*Passed June 20, 1710.*]

## CHAPTER 35.

(Province Laws, IX., 129.)

ORDER APPOINTING A HEARING ON THE PETITION OF HATFIELD AS TO ITS BOUNDS NEXT TO HADLEY, SAID HADLEY TO BE NOTIFIED.

Legislative  
Records of the  
Council,  
ix., 45.  
Mass.  
Archives,  
cxlii., 568.  
Mass.  
Archives,  
cxlii., 566,  
569-581.  
*Ante*, p. 774,  
chap. 111.

UPON READING A PETITION of the Town of Hatfield referring to their Bounds next to Hadley:

*Ordered* that the Pet<sup>rs</sup> cause the Selectmen of Hadley to be served with a Copy of this Petition, to shew cause to this Court, on the Second Friday of the next Session for the ordinary occasions of the Province, (if any they have) why the Court should not have consideration of the Prayer of the Petition<sup>rs</sup> and order thereupon as they shall Judge best for the publick benefit. [*Passed June 23, 1710.*]

## CHAPTER 37.

(Province Laws, IX., 130.)

RESOLVE ANNEXING THE "MILE & HALF" OF THE NORTH PURCHASE OF ATTLEBOROUGH TO SAID TOWN TO CONTINUE TO BE PART OF SAME ACCORDING TO THE ACT OF INCORPORATION, ANY INTERMEDIATE ORDERS TO THE CONTRARY NOTWITHSTANDING.

Legislative  
Records of the  
Council,  
ix., 47.  
Mass.  
Archives,  
xi., 387.  
Province  
Laws, i., 184,  
chap. 17.  
*Ante*, p. 752,  
chap. 46.

IN THE AFFAIR of Attleborough & Rehoboth relating to the Addition of a Mile & an Half of Land of the North Purchase (so called) to the Town of Attleborough for the Enabling them to Support the Ministry & carry on Town Charges, being included in the Lines described in the Act of this Court for Making Attleborough a Township; The Agents for the said Towns respectively having been fully heard before this Court;

*Resolved* that the said Mile & Half of Land be annexed to Attleborough, & Continue to be Part of the said Town according to the afore said Act of this Court, Any intermediate Orders since made to the Contrary notwithstanding. [*Passed June 26, 1710.*]



CHAPTER 41 a.<sup>1</sup>

ORDER APPOINTING A HEARING ON THE PETITION OF THE FARMERS IN THE OUT PARTS OF DEDHAM TO BE MADE A DISTINCT TOWNSHIP.

UPON READING A PETITION of Benjamin Mills sen<sup>r</sup> & others of the Farmers in the out Parts of Dedham, Praying to be made a distinct Township;

*Ordered* That the Pet<sup>rs</sup> cause the Selectmen of Dedham to be Serv'd with a Copy of this Petition, And that they be heard before this Court on the Second Tuesday of their next Session, for the Ordinary Affairs of the Province, to Shew cause, if any they have, why the Praier thereof should not be Granted. [*Passed June 28,*<sup>2</sup> 1710.

Legislative  
Records of the  
Council,  
ix., 48.  
Mass.  
Archives,  
cxiii., 622.

Mass.  
Archives,  
cxiii., 620-622.

## CHAPTER 45.

(Province Laws, IX., 132.)

ORDER ANNEXING THE FARM OF NEARLY TWO THOUSAND ACRES FORMERLY GRANTED TO MR. EDWARD RAWSON, TO MENDON UNTIL THIS COURT SHALL ORDER OTHERWISE.

ON A PETITION of the Select Men of Mendon Praying that a few Families settled upon a large Farm of near Two Thousand Acres of Land formerly granted to M<sup>r</sup> Edward Rawson may be laid out unto them, untill they can be provided of better Accomodations nearer;

*Ordered* That the Prayer of the above Petition be so far Granted, as that the abovementioned Tract of Land shall be annexed to the Town of Mendon, & be Esteemed Part thereof untill this Court shall order otherwise. [*Passed June 28,*<sup>3</sup> 1710.

Legislative  
Records of the  
Council,  
ix., 50.  
Mass.  
Archives,  
cxiii., 550.

Mass. Bay  
Records,  
v., 484.

## CHAPTER 82.

(Province Laws, IX., 145.)

ORDER APPOINTING A HEARING ON THE 10<sup>TH</sup> OF NOVEMBER, IF THIS COURT SIT SO LONG, OTHERWISE ON THE 1<sup>ST</sup> TUESDAY OF THE NEXT SESSION, AS TO THE PETITION OF THE SOUTH PRECINCT OF TAUNTON TO HAVE THEIR BOUNDS CIRCUMSCRIBED AND ASCERTAINED AND TO BE MADE A TOWNSHIP, THE SELECTMEN OF TAUNTON TO BE NOTIFIED.

UPON READING A PETITION of Cpt. Jared Talbot Agent for & in the Name & Behalf of the Inhab<sup>ts</sup> of the South Precinct in Taunton, Praying to have their Bounds circumscribed & ascertained & to be made a Township of them selves;

*Ordered* that the Petitioner Cause the Select Men of Taunton to be served with a Copy of this Petition to notify them that they attend a Hearing of the Prayer of the Petition before this Court on Fryday the tenth of November next, if they continue to sit so long; If they have any Thing to object thereto, Otherwise on the first Tuesday of the next Session. [*Passed October 27,* 1710.

Legislative  
Records of the  
Council,  
ix., 72.

Mass.  
Archives,  
Maps and  
Plans, 3d series,  
xvi., 5.

<sup>1</sup> Omitted from Province Laws, ix., 131.

<sup>2</sup> This date is June 27 according to Legislative Records of the Council.

<sup>3</sup> This date is June 29 according to Legislative Records of the Council.



## CHAPTER 87.

(Province Laws, IX., 146.)

ORDER ESTABLISHING THE PRECINCT OR DISTRICT UPON NEWBURY FALLS, SET OFF FROM NEWBURY AND ROWLEY, COMMONLY CALLED BYFIELD, WITH THE POWERS AND PRIVILEGES BY LAW GRANTED SUCH, AND DIRECTING THE CLERK OF SAID PRECINCT TO CALL A MEETING TO CHOOSE ASSESSORS AND A COLLECTOR NOTWITHSTANDING THE TIME FOR THE ANNIVERSARY CHOICE OF OFFICERS IS PAST.

Legislative  
Records of the  
Council,  
ix., 74.  
Mass.  
Archives,  
xi., 344a.

UPON READING A PETITION in Behalf of y<sup>e</sup> Precinct or District at Newbury Falls;

Mass.  
Archives,  
xi., 344,  
344b, 346.

*Ordered* that the Precinct or District upon Newbury Falls, sett off by Newbury and Rowley, commonly called Byfield, Be an Established acknowledged Precinct within the intent of the Law, to have use and exercise the powers and priviledges by Law granted to Such for the maintenance and Support of the publick worship of God there. And forasmuch as the time for the anniversary choice of Officers for this year is past, the Clerk of the said Precinct is hereby Impowred, that notwithstanding, to warn a Meeting of the Inhabitants; And they to proceed to choose Assessors and a Collector for the same, *pro hac Vice*. [*Passed October 30,*<sup>1</sup> 1710.

## CHAPTER 89.

(Province Laws, IX., 147.)

ORDER ADJOURNING THE HEARING ON THE PETITION OF THE INHABITANTS OF DEDHAM LIVING ON THE NORTH SIDE OF THE CHARLES RIVER TO HAVE A TOWNSHIP, UNTIL THE 2<sup>d</sup> THURSDAY OF THE SESSION IN MAY NEXT, AND RECOMMENDING THAT AN ABLE MINISTER BE SECURED TO PREACH IN THE OUT PART OF SAID TOWN IN THE MEANTIME.

Legislative  
Records of the  
Council,  
ix., 75.  
Mass.  
Archives,  
cxiii., 624.

UPON READING THE PETITION of the Select Men of Dedham; [remonstrating against the short warning of the hearing on the petition of the inhabitants living on the North side of Charles River to have a Township.]

Mass.  
Archives,  
cxiii., 620-623,  
625-629.  
*Ante*, p. 783,  
chap. 41a.

*Ordered* that the Hearing be Adjourn<sup>d</sup> unto the Second thursday of this Court at the Session ther of in May next. And it is Recommended to the Town and the Petitioners to take care to procure an able Minister to preach in this [*sic*] out part of the Town in the mean time. [*Passed October 31, 1710.*

<sup>1</sup> This date is October 28 according to Legislative Records of the Council.



## CHAPTER 90.

(Province Laws, IX., 147.)

ORDER ALLOWING MESS<sup>rs</sup> INCREASE MATHER, JOSIAH COTTON AND THEOPHILUS COTTON TO IMPROVE MR. JOHN BRIGHAM OR ANY OTHER ABLE SURVEYOR TO LAY OUT THE GRANTS OF EIGHT HUNDRED ACRES OF LAND MADE TO MR. JOHN COTTON, MINISTER IN BOSTON, DECEASED, IN ANY PLACE NOT INTRENCHING UPON FORMER GRANTS, FOUR HUNDRED ACRES TO BE LAID OUT TO THE HEIRS OF MR. SEABORN COTTON, ELDEST SON OF THE GRANTEE, AND THE OTHER FOUR HUNDRED ACRES TO THE OTHER TWO CHILDREN OF SAID GRANTEE, OR THEIR HEIRS, AS THE GRANT DECLARES IS APPOINTED BY HIS LAST WILL.

UPON READING A PETITION of Mess<sup>rs</sup> Increase Mather, Josiah Cotton & Theophilus Cotton, Praying that Mr [John]<sup>1</sup> Brigham of Sudbury or any other suitable Person may be appointed to lay out such a Tract or Tracts of Land as they shall choose in Pursuance of two Grants made to the Rev<sup>d</sup> Mr John Cotton formerly Minister in Boston; viz, in the Year 1641. a Grant of Six Hundred Acres, And an other Grant of two Hundred Acres in both which the Petitioners have a Right.

*Ordered* That the Praier of the . . . Petition be so far Granted, as that the Petitioners, may improve m<sup>r</sup> Brigham or any other able Surveyer, to Lay out the said Grants, in any place, in the Province, not intrenching upon former Grants. Four Hundred acres thereof to be laid out to the Heires of m<sup>r</sup> Seaborn Cotton, eldest son, of the Grantee, & the other four Hundred acres to the other two children of the Grantee, or their Heires, as the Grant declares is appointed by his last will. [*Passed October 31, 1710.*]

Legislative  
Records of the  
Council,  
ix., 75.  
Mass.  
Archives,  
xi., 331.

Mass.  
Archives,  
xi., 328 *bis*,  
329 *bis*;  
Maps and  
Plans, 3d series,  
iv., 7, 8; v., 37.  
Mass. Bay  
Records,  
i., 344; iv.,  
part ii., 454.

## CHAPTER 110.

(Province Laws, IX., 153.)

VOTE ACCEPTING THE REPORT OF THE COMMITTEE ON THE NEW PRECINCT IN SALEM, RECOMMENDING THE BOUNDS OF SAID PRECINCT AND THAT THE MEETING-HOUSE BE ERRECTED ON A PIECE OF LAND NEAR GARDNER'S BROOK ALREADY GRANTED BY THE TOWN FOR THAT END.

WEE THE SUBSCRIBERS, being appointed by the Generall Assembly at their Sessions in May last, to be a Co<sup>m</sup>mittee, to reparaire to Salem; and upon full hearing of y<sup>e</sup> petitioners, and the Selectmen & others, in behalfe of S<sup>d</sup> Towne, and view of the places propounded for the building a Meeting house, to offer our Opinion of the most Convenient place, and precinct, for a new Congregation and make report, on the whole, at this present Session

Wee are humbly of Opinion, That the S<sup>d</sup> precinct doe beginn, at the great Cove in the north field, and so to run directly to Trasks grist Mill taking in the Mill to the new precinct, from thence, on a streight Line to the Mile Stone in the Roade from Salem, Meeting house, and so along the roade to Lynn by Lyndsys, and then along the Line between Salem & Lynn, northward till it Come to Salem Village Line, and along by that Line, to Frost fish river, then by the Saltwater, to the great Cove, first mentioned

Legislative  
Records of the  
Council,  
ix., 86.  
Mass.  
Archives,  
xi., 354.

Legislative  
Records of the  
Council,  
ix., 30, 39, 76,  
77 *bis*. Mass.  
Archives,  
xi., 332-340,  
355-365;  
cclxxxv., 64.  
*Ante*, p. 751,  
chap. 25.

<sup>1</sup> Mass. Archives, Maps and Plans, 3d series, xxxii., 18; xxxvii., 18.



And That the Meeting house be erected on the piece of Land,  
neere Gardners brooke, already granted by the Towne for that end,  
All which is humbly Submitted

PENN TOWNSEND In the  
name of the Committee

In Council  
Read and Accepted  
In the House of Representatives  
Read & Concurr'd. [*Passed November 10, 1710.*]

## CHAPTER 114.

(Province Laws, IX., 154.)

ORDER ADJOURNING THE HEARING APPOINTED TO BE THIS DAY  
ON THE PETITION OF THE SOUTH PART OF TAUNTON TO BE A  
TOWNSHIP TO THE 1<sup>ST</sup> FRIDAY OF THE NEXT SESSION, THE  
SELECTMEN OF TAUNTON TO BE SEASONABLY NOTIFIED.

Legislative  
Records of the  
Council,  
ix., 88.

*Ante*, p. 783,  
chap. 82.

*Ordered* that the Hearing appointed to be this Day upon the  
Petition of Jared Talbot for the South Part of Taunton to be Con-  
stituted a distinct Township be attended on the first Fryday of the  
next Session; The Petitioner to notify the Select Men of the Town  
of Taunton seasonably thereof. [*Passed November 10, 1710.*]

## CHAPTER 120.

(Province Laws, IX., 159.)

VOTE DESIRING HIS EXCELLENCY GOV. DUDLEY TO ENTERTAIN  
A CONFERENCE WITH MAJ. JOSEPH JENCKES, THE ACCREDITED  
AGENT OF RHODE ISLAND, UPON AN ACCOMMODATION OF THE  
DISPUTE ABOUT THE LINE BETWEEN THIS PROVINCE AND  
THAT COLONY AND IMPOWERING HIS EXCELLENCY, WITH THE  
ADVICE AND CONSENT OF THE HON. NATHANIEL PAYNE, ESQ.,  
MR. NATHANIEL BLAGROVE AND MAJ. SAMUEL THAXTER, TO  
MAKE A FINAL ISSUE AND DETERMINE, FULLY AGREE AND  
SETTLE SAID BOUNDARIES.

Legislative  
Records of the  
Council,  
ix., 88.

Legislative  
Records of the  
Council,  
ix., 92.  
*Ante*, p. 772,  
chap. 64.

UPON READING A LETTER from Samuel Cranston Esq<sup>r</sup> Govern<sup>r</sup>  
of her Majesties Colony of Rhoad Island, Intimating that the Gen-  
eral Assembly of that Government have fully impowered Major  
Joseph Jen[c]k[e]s<sup>1</sup> of Providence to treat with his Excellency about  
the Bounds of Partition between this Province & that Colony, And  
that what shall be Concerted & Agreed upon between them shall  
be a final Issue & Settlement of the said Partition Line; Provided  
it be done within six Months from the Sitting of the said Assembly;

*Voted* in Answer to the said Proposal That his Excellency  
[Joseph Dudley, Esq.,]<sup>2</sup> be desired to Entertain a Conference with  
Major Jen[c]k[e]s<sup>1</sup> upon an Accomodation of the Dispute about the  
Line, And his Excellency is hereby fully impowered with the  
Advice & Consent of the Hon<sup>ble</sup> Nathaniel Payne Esq<sup>r</sup> M<sup>r</sup>  
Nathaniel Blagrove & Maj<sup>r</sup> Samuel Thaxter who are desired to  
attend his Excellency therein, to make a final Issue of that Differ-  
ence, & to determine & fully Agree & Settle the Boundaries be-  
tween this Province & the said Colony of Rhoad Island. [*Passed  
November 11, 1710.*]

<sup>1</sup> *Post*, p. 789, chap. 134.

<sup>2</sup> Province Laws, ix., 117.



## CHAPTER 129.

(Province Laws, IX., 162.)

ORDER APPOINTING A HEARING UPON THE PETITION OF SUNDRY INHABITANTS OF READING AND LYNN, LIVING REMOTE FROM THE PLACES OF PUBLIC WORSHIP, THAT THEY MAY HAVE A DISTINCT PRECINCT ASSIGNED THEM AND BE DISCHARGED FROM ALL FUTURE TAXES FOR THE TOWN MINISTER AND THAT READING BE NOTIFIED.

UPON READING A PETITION of sundry Inhabitants within the Townships of Reading & Lyn, living remote from the Places of Public Worship Praying that they may have a distinct Precinct assigned them with the usual Powers to Enable them for the Entertaining & Supporting a Minister amongst them selves, And be discharged from all future Taxes for the Town Minister;

*Ordered* that the Petition<sup>rs</sup> serve the Town of Reading with a Copy of this Petition & Notify them that they may be heard before this Court if they have any Thing to object against Granting the Prayer thereof, on the second Fryday of the next May Session. [*Passed March 16, 1710*[-11].

Legislative  
Records of the  
Council,  
ix., 95.

## CHAPTER 130.

(Province Laws, IX., 163.)

ORDER GRANTING A HEARING ON THE DISPUTE BETWEEN DORCHESTER AND BRIDGEWATER NOW DEPENDING IN THE INFERIOR COURT IN SUFFOLK COUNTY, CAUSED BY DANIEL WALDO OF DORCHESTER ILLEGALLY ENTERING AND HOLDING LAND IN SAID TOWN, WRONGFULLY CLAIMING IT WAS IN BRIDGEWATER, WHICH RESULTED IN THE ACTION NOT BEING BROUGHT IN THE PROPER COUNTY, ASKING ADVICE AND DIRECTION IN THE PREMISES AND THE DETERMINATION OF THE LINE, THAT THE ADVERSE PARTIES BE NOTIFIED AND THE CASE BE CONTINUED IN THE INFERIOR COURT AT BOSTON TO THEIR SESSION IN JULY NEXT.

UPON READING A PETITION of Major Robert Spur Cpt. Thomas Tilestone & Edw<sup>d</sup> Breck Yeoman & Committee of the Town of Dorchester with Reference to a Dispute betwixt the said Town of Dorchester & the Town of Bridgewater within the County of Plimouth arising upon a Plea made in Bar to an Action of Ejectment brought by the said Committee & Depending in the Inferiour Court of Common Pleas for the County of Suffolk against one Daniel Waldoe of Dorchester for his illegal Enttring upon & Withholding Possession of a Parcel of Land lying within the Township of Dorchester towards Bridgewater, very wrongfully pretending that the said Tract of Land lyes within the Township of Bridgewater & so the Action not brought in the proper County, Praying the Advice & Direction of this Court in the Premisses & such Judgem<sup>t</sup> & Determination to be made referring to the said Line, that the Petitioners may come at & recover their just Rights.

*Ordered* That a Hearing be Granted upon this Petition, before this Court, on the 2<sup>d</sup> fridday of the next May Session, That the Petitioners notify the Adverse Party, & serve them with a copy of this Petition, and the Case be Continued in the inferiour Court of Common Pleas at Boston, to their Session in July next. [*Passed March 16, 1710*[-11].

Legislative  
Records of the  
Council,  
ix., 95.  
Mass.  
Archives,  
iii., 129.  
Mass.  
Archives,  
iii., 128, 128a.



## CHAPTER 134.

(Province Laws, IX., 164.)

ORDER ACCEPTING AND APPROVING THE AGREEMENT LATELY MADE OF THE PARTITION LINE BETWIXT THIS PROVINCE AND THE COLONY OF RHODE ISLAND AND THANKING HIS EXCELLENCY AND THE GENTLEMEN THAT ATTENDED HIM FOR THEIR GOOD SERVICE.

PROVINCE OF Y<sup>e</sup> MASSACHUSETT BAY IN NEW ENGLANDANNO REGNI REGINÆ ANNA NONO  
ROXBURY JANUARY 19<sup>th</sup> 1710/11

Legislative  
Records of the  
Council,  
ix., 97.  
Mass.  
Archives,  
Files.

Mass.  
Archives,  
ii., 162.

At a Meeting of the Persons under written Respectively Appointed and Impowred, by the Govern<sup>mt</sup> of Her Ma<sup>ty</sup>s Province of the Massachusetts Bay [Of]<sup>1</sup> the One part. and the Govern<sup>mt</sup> of Her Ma<sup>ty</sup>s Colony of Rhode Island and Providence plantation in New Engla<sup>nd</sup> aforesaid Of the Other part. As will Appear by the Vote[s] and Orders of the General Assemblys of Each of the Said Govern<sup>mts</sup> of Record in their Several Books.

Having fully Debated and duly Considered the Challenges on both Sides depending upon the Several Charters and Lett<sup>rs</sup> Patten Relating to the partiti<sup>o</sup>n Line betwixt the Said Respective Govern<sup>mts</sup> and being desirous to Remov[e] and take away all Occasions of Dispute and Controversie betwixt the [Said] Govern<sup>mts</sup> Relating thereto and to Continue and Maintain the [Good Neighbourhood and Correspondence which is at p<sup>r</sup>esent betwixt Her Ma<sup>ty</sup>s Good Subj[ects] of both Governments, for the Honour of Her Majesty and y<sup>e</sup> Crown of Grea[t] Britaine, upon whome these Provinces and Governments do allways depend.

Have therefore Mutually Concluded and Agreed in manner following, that is to Say.

That the Stake Set up by Nathan<sup>l</sup> Woodward and Solomon Saffry Skillfull Approved Artists in the Year of Our Lord One Thousand Six hundred Forty & Two. and Since that Often renewed, in the Latitude of Forty One Degrees and Fifty five Minutes, being Three English Miles di<sup>s</sup>tant], Southward from the Southernmost part of the River called Charles River,] Agreeable to the Letters Patent for the Massachusetts Province, Be accom[pted] and Allow'd on both Sides the Commencem<sup>t</sup> of the Line between the Massachusetts and the Colony of Rhode Island and to be Continued between the Said Two Govern<sup>mts</sup> in such Manner as that after it has procee'd<sup>d</sup> betwee[n] the Said Two Govern<sup>mts</sup> it May pass over Connecticutt River at or Near Bissells house, as is Dechyphered in the Plan and Tract of that Line by Nathan<sup>l</sup> Woodward and Solomon Saffry,<sup>2</sup> Now shewn forth to us and is remaining upon Record in the Massachusetts Govern<sup>mt</sup>

And whereas upon presumption, by Mistake or Ignoranc[e] of that Line afores<sup>d</sup> the Inhabitants of the Town of Providence In the Colony of Rhode Island and Providence Plantation, have Surveyed and laid out Several Lotts and Divisions of Lands to the Northward of Woodward and Saffrys line afores<sup>d</sup> on the Massachusetts Side.

It is Mutually and Unanimously Agreed that there shall be and remain unto the s<sup>d</sup> Town of Providence and Inhabitants of the Govern<sup>mt</sup> of Rhoad Island and Providence Plantations a Certain tract of Land of One Mile in breadth to the Northward of the said

<sup>1</sup> MS. mutilated, all bracketed enclosures taken from Daniel Webster's copy of "Supreme Court of the United States. No. 1. Rhode Island vs. Massachusetts. Papers put in as evidence on the part of Rhode Island," on file in Mass. Archives.

<sup>2</sup> Mass. Archives, Maps and Plans, 3d series, xxxiv., 15.



Line of Woodward & Saffry as before described and plated, beginning from the Great River of Pautucket and so to proceed on the North side of the said Patent Line of Equal breadth untill it come to the place where Providence West line cuts the Said Patent line, supposed to Contain Five thousand Acres be the Same more or Less: The Soyle whereof Shall be and Remain to the Town of Providence or Others According to the Disposition thereof to be made by the Govern<sup>t</sup> of Rhode Island afores<sup>d</sup> NevertheLess to Continue and Remain within the Jurisdiction and Govern<sup>t</sup> of Her Ma<sup>ty</sup>s Province of the Massachuset[ts] Bay, Any thing in this Agree<sup>t</sup> to the Contrary thereof or Seemingly so notwithstanding. Saving allways likewise to any Inhabitants of the Massachusetts their Improvem<sup>ts</sup> by Building or fenceing in of Land [with]in any part of the sd Mile of Land beforeExpressed to be and Remain to them and their heirs According to their Grants & Improvem<sup>ts</sup> With this Proviso that so much and So Many Acres as the Occupiers or Improvers shall be Allowed upon the several Challenges shall be Added to the Mile afore Said in Some proper and Convenient place, either at the Side or End of the s<sup>d</sup> Tract so that the proprietors of the Town of Providence or Govern<sup>t</sup> of Rhode Island may not be Losers thereby.

And it is further Agreed, That Persons be Nominated & Appointed by y<sup>e</sup> Gover<sup>r</sup> & Council of Each of the said Governments Respectively to Attend the First good Season for that End, within the Space of Six months from the Date of these p<sup>r</sup>sents, to Shew the Ancient line of Woodward and Saffry, and to Raise and Renew Mark's Stakes and Other Memorials for the reviving preserving and Continueing of the Certain knowledge and remembrance thereof *in perpetuum*, the Gentlemen to be Appointed to that Service by the s<sup>d</sup> Govern<sup>r</sup> & Council of y<sup>e</sup> Massch<sup>tts</sup> to give seasonable notice to the Govern<sup>t</sup> of Rhoad Island of the time and place for Attending the Same, That the Gen<sup>tm</sup> to be appointed On the part of that Government may meet and joyne them Accordingly so that the Mile of Land herein granted to the Inhabitants of Providence asaforsaid may proceed in the Settlem<sup>t</sup> and Improvem<sup>t</sup> thereof for the Benefit and Advantage of both Governments And particularly to be a Cover for the Town of Providence against the Insults of the Indian Enemy

In Witness whereof the Said Parties to these p<sup>r</sup>sents have Interchangably Sett their hands and Seals the Day and Year first within Written.

Signed Sealed & Deliv<sup>rd</sup> in the p<sup>r</sup>sence, and with the Advice and Consent of Us.

J DUDLEY [Seal]  
Jo<sup>s</sup> JENCKES<sup>1</sup> Ju<sup>r</sup> [Seal]

of y <sup>e</sup> Massachusetts	{	NATH <sup>L</sup> PAINE
		NATH <sup>L</sup> BLAGROVE
		SAM <sup>LL</sup> THAXTER
of y <sup>e</sup> Collony of	{	JONATHAN SPRAGUE
Rhoad Island & <sup>c</sup>		SAMUELL WILKINSON

RHOAD ISLAND &<sup>c</sup>

SAM<sup>ll</sup> CRANSTON Esq<sup>r</sup> Govern<sup>r</sup> of Her Ma<sup>ty</sup>s Colony of Rhoad Island & Providence Plantations Sendeth Greeting. To Major JOSEPH JEN[c]K[e]s<sup>1</sup>.

[*Sigilli*] By Virtue of an Act of the General Assembly of this Her Ma<sup>ty</sup>s Colony Siting at Newport by Adjournment the 30<sup>th</sup> day of July Last. These are to Authorize Impower and Commissionate you

<sup>1</sup> Autograph, Mass. Archives, Files.



Maj<sup>r</sup> Joseph Jen[c]k[e]s<sup>1</sup> To meet with his Excellency Co[l<sup>o</sup>] Joseph Dudley Govern<sup>r</sup> of Her Ma<sup>ty</sup>s Province of the Massachusetts Bay at Such ti[m]e and] place as he Shall Appoint within this Colony or the aforesaid Province Provided it be with[in] Six Months from the Sitting of the Aforesaid Assembly. And the place not to be to the Eastward or Northward of Boston and Your Self and S<sup>d</sup> Col<sup>o</sup> Dudley being Meet together as aforesaid you are with him by Virtue of the afores<sup>d</sup> Act, to Use your utmost Endeavour to settle the Misunderstanding ab<sup>t</sup> the Lines of Partition between this Colony & s<sup>d</sup> Province as is more fully set forth in the afores<sup>d</sup> Act of Assembly: and that what you Major Jen[c]kes<sup>1</sup> with Said Colonel Dudley shall agree upon to be, the bounds and lines between the s<sup>d</sup> Provinces or Colonys, (Allways provided s<sup>d</sup> Col<sup>o</sup> Dudley have like Authority with your self) shall be binding to Each Province and shall forever hereafter be taken and Deemed to be the stated lines & bounds so as your said Agree<sup>ts</sup> be Drawn up in Writeing & Indented under your hands and Seals within the time of Six months as aforesaid But in case it shall so happen that through any Misunderstanding or Other difference you cannot Compremise and Settle said lines and bounds, Then you are further Impowred to Make proposition to his Excellenc[y] Col<sup>o</sup> Dudley, that Judicious and Impartiall men be by the Governments of Said Provinces Equally or Mutually Chosen out of Some other province to Settle and Compremise the Difference Between us, so as there may be a good understanding and Neighbourly Correspondency maintained between us. And for your so doing and Acting this Commission Shall be your Warrant & Discharge.

Given under my hand and Sealed with the Seale of the Colony, at Providence this Twenty seventh day of October in the Ninth Year of Her Ma<sup>ty</sup> Reign ANNE by the Grace of God Queen of Great Britain &<sup>c</sup> Anno Dom. 1710

SAM<sup>LL</sup> CRANSTON

Sealed With the Seal of Her Ma<sup>ty</sup>s Colony of Rhoad Island & providence &<sup>c</sup>.

p<sup>r</sup> Order.

WEST<sup>O</sup> CLARKE Sec<sup>ry</sup>

Copy Exam<sup>d</sup>.  
*Concordat cum Originali*

Is<sup>A</sup> ADDINGTON Sec<sup>ry</sup>.

Entred Lib. 2<sup>o</sup> p<sup>a</sup> 151. &<sup>ca</sup> for Commissions and other publick Writings.<sup>2</sup>

Is<sup>A</sup> ADDINGTON Sec<sup>ry</sup>.

In the House of Representatives

*Ordered* That the settlement of the Partition Line between this Province, & the Colony of Rhode Island, contain'd in the above & . . . foregoing Pages, be Accepted, & Approved, and the Thanks of this Court Rendred to his Excellency the Governour, & the Gentlemen of this Court that Attended him, for their good Service in effecting the Same.

[In Council]

Read and Concurr'd. [*Passed March 16, 1710*[-11].

<sup>1</sup> Autograph, Mass. Archives, Files.

<sup>2</sup> Not found in Mass Archives, though Lib. 1 and 3 are.



## CHAPTER 136.

(Province Laws, IX., 164.)

VOTE AND ORDER REFUSING THE PETITION OF THE SOUTH PRECINCT IN TAUNTON TO BE A TOWN UNTIL THEY OBTAIN THE APPROBATION AND CONSENT OF THE TOWN OF TAUNTON, BUT ALLOWING THEM, AS SOON AS THEY SHALL HAVE ESTABLISHED A SCHOOL AMONG THEMSELVES, TO BE EXEMPTED AND DISCHARGED FROM SUPPORTING THE TOWN SCHOOL, AND PROVIDING FOR RAISING A SUM FOR BUILDING AND MAINTAINING A MEETING-HOUSE, MINISTRY-HOUSE AND SCHOOL-HOUSE, AND FOR THE SUPPORT OF THE SAME DISTINCT FROM THE TOWN.

ON A PETITION of Cpt. Jared Talbot Agent for the South Precinct of Taunton, Praying to be made a Town, And the Petitioner & Sam<sup>l</sup> Williams & Rob<sup>t</sup> Crossman on the Part of Taunton being heard before the Court;

Legislative  
Records of the  
Council,  
ix., 97.

*Ante*, p. 786,  
chap. 114.

*Voted* that the Court see not meet at present to grant the South Precinct in Taunton to be a Town of them selves, In hopes they may shortly obtain the Approbation & Consent of Taunton fully to dismiss them with mutual Love & Agreement: But for Encouragement of the Precinct in their laudable Endeavour to advance & promote Religion & the good Instruction of their Children by Settling a learned orthodox Minister & Raising a School within their District;

*Ordered* that when & so soon as they shall have established a School among them selves, they be exempted & discharged from being furth<sup>r</sup> assess'd & Paying to the Support of the Town School; And that from the Time of Passing this Order, the Assessors of the said Precinct for the Time being be & hereby are impowered & directed to Assess, Levy & Cause to be Collected such Sum & Sums as from Time to Time shall be agreed upon by the Inhabitants of the said Precinct in a Meeting regularly assembled or the Major Part of them to be raised for the Building & Maintaining a Meeting House a Ministry House & a School House, For the Support of the Ministry & School & other incidental Charges peculiar to the said Precinct distinct from the Town; To be made together in one Assessm<sup>t</sup> & not several & seperate. [*Passed March 16, 1710*[-11].

## CHAPTER 140.

(Province Laws, IX., 166.)

ORDER GRANTING TAUNTON NORTH PRECINCT TO BE A TOWN BY THE NAME OF NORTON AND THAT A BILL BE BROUGHT IN TO PERFECT SAID GRANT, PROVIDED THAT THE EAST END OF THE NORTH PURCHASE SHALL HAVE HALF OF SAID PURCHASE AS THEIR PRECINCT WHEN THEY ARE ABLE TO MAINTAIN A MINISTER AND THIS COURT JUDGE THEM SO.

ON THE PETITION of the North Precinct in Taunton, Praying to be made a Town having the Consent of Taunton therefore; Viz,  
In Council

Legislative  
Records of the  
Council,  
ix., 100.

Mass.  
Archives,  
cxiii., 291.

Read and  
*Ordered* That the North Precinct in Tanton Be and hereby is Granted to be a Town Distinct from the Town of Tanton by the Name of Norton, And have and Enjoy the Powers immunities and priviledges by Law Granted to Townships.

Mass.  
Archives,  
cxiii., 290, 292.  
Province Laws,  
i., 676, chap. 4.

And that a Bill be projected and brought in at the next Session of this Court fully to perfect the s<sup>d</sup> Grant.



In y<sup>e</sup> House of Representatives

Read & Concurred, Provided that y<sup>e</sup> east end of y<sup>e</sup> North Purchase shall have half y<sup>e</sup> S<sup>d</sup> Purchase as their Precinct w<sup>n</sup> they are able to maintain a minister & this Court judge them so.

In Council

Read & concurr'd. [*Passed March 17, 1710[-11.]*]

## CHAPTER 5.

(Province Laws, IX., 174.)

VOTE REFUSING CONFIRMATION TO JOHN STONE AND NATHANIEL TREDEWAY, ASSIGNEES OF MR. THOMAS MAYHEW, OF A GRANT OF THREE HUNDRED ACRES MADE TO HIM IN 1643.

Legislative  
Records of the  
Council,  
ix., 111.  
Mass.  
Archives;  
Maps and  
Plans, 3d series,  
iv., 5.

Mass. Bay  
Records,  
ii., 51, 76.

ON A PLATT presented of a Tract of Land lying betwixt Marlborough, Maganka & Framingham to be confirmed unto John Stone & Nath<sup>l</sup> Tredeway, Assignees of Mr. Thomas Mahew [Mayhew],<sup>1</sup> for a Grant of Three Hundred Acres of Land to the said Mr. Mahew by the Gen<sup>l</sup> Court in the year 1643.

[*Voted*] This Plat is not accepted, the Land therein contained being challenged by Cap<sup>tn</sup> Buckminster under m<sup>r</sup> Danforth<sup>1</sup> Who also presented a Record Dated the 29<sup>th</sup> of the 3<sup>d</sup> m<sup>o</sup> 1644 upon Request of m<sup>r</sup> Mayhew the original Grantee, ordering the Laying out 300 acres of Land to him about Nashaway and Sudbury and appoint<sup>s</sup> persons to Lay it out accordingly. [*Passed June 5, 1711.*]

## CHAPTER 6.

(Province Laws, IX., 174.)

ORDER APPOINTING JOHN WHEELWRIGHT, ESQ., AND OTHERS, A NEW COMMITTEE TO LAY OUT THE HEAD BOUNDS OF KITTERY, THERE BEING NO RETURN OF THE COMMITTEE OF 1661.

Legislative  
Records of the  
Council,  
ix., 112.

Mass. Bay  
Records, iv.,  
part ii., 22.

UPON PRESENTING A COPY of a Record of the General Court Anno 1661: for a Committee to lay out the Head Line of the Town of Kittery for Bounding it back into the Countrey, And there being no Return or Regard of the Doings of that Committee;

*Ordered* that a new Committee be raised, And John Wheelwright Esq<sup>r</sup> Captain Lewis Bane & Captain Abraham Prebble junior be & hereby are appointed & impowered a Committee to lay out the Head Bounds of Kittery from Quampekin and to the Extent thereof. And to make Report of their Doings therein to this Court at their next Session. [*Passed June 6, 1711.*]

<sup>1</sup> On the 15th of Sept. 1666, Mr. Thomas Mayhew conveyed the land in question to John Stone and Nathaniel Tredaway, Executors of the last will of Edward How, in consideration of a greater sum due to said Executors. It was signed and sealed in presence of John Sherman and Thomas Danforth, Assistant, the same day and recorded in Middlesex lib. 3, fol. 265 by him as Recorder. The original deed is Mass. Archives, cexliii., 13.



CHAPTER 6 a.<sup>1</sup>

ORDER APPOINTING A HEARING UPON THE PETITION THAT THE WESTWARD PART OF DUXBURY, COMMONLY CALLED MATTAKESSET, A TRACT OF LAND BELONGING TO MARSHFIELD AND THE MAJOR'S PURCHASE, BE MADE A TOWNSHIP.

UPON THE PETITION of the Inhabitants of the Westward Part of the Town of Duxborough commonly called Mattakeset with the Addition of a Tract of Land belonging to the Town of Marshfield & the Lands called the Majors Purchase to be made a Township:

*Ordered* That the Petitioners Serve the Town of Duxbury with a Copy of this Petition, that they may have opportunity to Shew cause if any they have why the Prayer Should not be Granted, on the [second]<sup>2</sup> Friday of the Sessions of this Court the next Fall. [*Passed June 6, 1711.*]

Legislative  
Records of the  
Council,  
ix., 112.  
Mass.  
Archives,  
cxiii., 583.  
Mass.  
Archives,  
cxiii., 583, 584.

## CHAPTER 10.

(Province Laws, IX., 176.)

ORDER APPOINTING A HEARING UPON THE PETITION OF MILTON, THAT THREE THOUSAND ACRES OF LAND CALLED THE BLUE HILL LANDS LYING IN BRAINTREE, BUT LATELY PURCHASED BY MILTON FROM BOSTON, MAY BE UNDER MILTON'S JURISDICTION, BRAINTREE TO BE NOTIFIED.

UPON READING A PETITION of the Town of Milton, Praying that a Tract of Land containing about Three Thousand Acres called Blew Hill Lands lying within the Township of Braintree lately purchased by the Inhabitants of Milton [from the inhabitants of Boston]<sup>3</sup> may be under the Jurisdiction of Milton;

*Ordered* That the Petition<sup>rs</sup> Serve the Town of Braintrey with a Copy of this Petition & Acquaint them, that they may be heard thereupon, on the first Friday of the next session of this Court, if they have any thing to object why the s<sup>d</sup> Petition should not be Granted. [*Passed June 7, 1711.*]

Legislative  
Records of the  
Council,  
ix., 114.  
Mass.  
Archives,  
cxiii., 593.  
Mass.  
Archives,  
cxiii., 592, 595.

## CHAPTER 11.

(Province Laws, IX., 176.)

ORDER APPOINTING CAPT. JONATHAN PRESCOTT, AND OTHERS, A COMMITTEE TO VIEW THE LAND PURCHASED BY LANCASTER FROM GEORGE TAHANTO, AN INDIAN SAGAMORE, AND REPORT ITS QUANTITY, QUALITY AND SITUATION, THAT THIS COURT MAY JUDGE WHETHER IT BE PROPER AND CONVENIENT TO BE ADDED TO SAID TOWNSHIP.

UPON READING A PETITION of the Town of Lancaster Praying Confirmation of a certain Tract of Land purchased of George Tahanto Indian Sagamore &c:

*Ordered* that Cpt. Jonathan Prescott, M<sup>r</sup> John Farnsworth & M<sup>r</sup> Samuel Jones of Concord be a Committee to view the said Lands & Report the Quantity Quality & Scituation thereof, That this Court may judge whither it be proper & convenient to be added to the said Township, the Charge of y<sup>e</sup> Comm<sup>tee</sup> to be paid by the said Town. [*Passed June 7, 1711.*]

Legislative  
Records of the  
Council,  
ix., 114.

<sup>1</sup> Omitted from Province Laws, ix., 174.

<sup>2</sup> Legislative Records of the Council, ix., 113.

<sup>3</sup> Mass. Archives, cxiii., 592.



## CHAPTER 22.

(Province Laws, IX., 180.)

ORDER APPOINTING A HEARING ON THE PETITION OF THE INHABITANTS OF THE WESTERN PART OF SWANSEA TO BE A TOWNSHIP, SWANSEA TO BE NOTIFIED.

Legislative  
Records of the  
Council,  
ix., 114.  
Mass.  
Archives,  
cxiii., 599.

UPON READING A PETITION of the Inhabitants of the Western Part of the Town of Swanzey within the County of Bristol, Praying to be made a Township by them selves;

*Ordered* That the Selectmen of Swanzey Be Served with a Copy of this Petition, And that they be heard thereto, upon the Second Wednesday in the next Session of this Court, If any thing they have to Say against Granting the Prayer thereof. [*Passed June 13, 1711.*]

## CHAPTER 28.

(Province Laws, IX., 182.)

VOTE PRAYING GOV. DUDLEY THAT HE WILL NOT SUFFER INJURY OR FORCE TO BE OFFERED THE INHABITANTS OF LANDS CHALLENGED BY RHODE ISLAND AND THAT THE LETTER AND CHALLENGE BE LAID BEFORE HER MAJESTY FOR HER ROYAL COMANDS, COMMANDING THE CONSTABLES OF THE SAID LANDS TO TAKE DOWN ANY PROHIBITIONS, REMONSTRANCES OR DECLARATIONS, POSTED OR PUBLISHED BY ORDER OF THE GOVERNMENT OF RHODE ISLAND AND FORBIDDING THE INHABITANTS TO SUBMIT TO ANY JURISDICTION OR ORDERS FROM SAID GOVERNMENT.

Legislative  
Records of the  
Council,  
ix., 124.  
Mass.  
Archives,  
ii., 161a.  
Mass.  
Archives,  
ii., 161.  
*Ante*, p. 788,  
chap. 134.

HIS EXCELLENCY [JOSEPH DUDLEY]<sup>1</sup> THE GOVERN<sup>r</sup> having Communicated to this House a Letter from Colonell [Samuell]<sup>2</sup> Cranston Govern<sup>r</sup> of Rhode Island dated 28: may 1711 acquainting his Excellency the Governour, of the Vote, & Resolve, of the Generall Assembly of that Colony, challenging Severall Lands, & the Inhabitants of this Province thereupon to belong to the s<sup>d</sup> Governm<sup>t</sup> of Rhode Island.

And the s<sup>d</sup> Lands, & Inhabitants being Planted, & settled, in those places by Grants from the former Government, for many years past & being undoubtedly within this Her Majesty's [Queen Anne's]<sup>3</sup> Government.

*Voted* That his Excellency the Govern<sup>r</sup> be hereupon Prayed, That he will not suffer any Injury, or Force to be offered to the Inhabitants afores<sup>d</sup> & that the Letter and challenge, be humbly laid before her majesty for Her Royall Comands therein, and that in the mean time his Excellency will Prevent any of the Inhabitants of this Province to be Insulted by the Governm<sup>t</sup> of Rhode Island.

And the Constables of the respective Towns & Parts adjacent are hereby Comanded to take down any Prohibitions Remonstrances or Declarations Posted or Published by order of the Governm<sup>t</sup> of Rhode Island and the Inhabitants are forbidden to Submit to any Jurisdiction or orders from the Government, of Rhode Island. [*Passed June 14, 1711.*]

<sup>1</sup> Province Laws, xi., 171.

<sup>2</sup> Mass. Archives, ii., 160a.

<sup>3</sup> Whittaker's Almanack, 1920, p. 115.



## CHAPTER 70.

(Province Laws, IX., 198.)

ORDER APPOINTING A HEARING ON THE PETITION OF MONOMOY  
TO BE MADE A TOWNSHIP.

UPON READING A PETITION of the Inhabitants the Select Men & others of Monomoy, Praying to be made a Township;

*Ordered* That the Pet<sup>rs</sup> cause the Selectmen of Harwich to be Serv'd with a Copy of this Pet<sup>con</sup> And that a Hearing be had there-upon before this Court on the Second Friday of their Session in May next, when the Agents to be appointed by Harwich may shew cause, if any they have, why the Prayer of the Pet<sup>con</sup> should not be Granted. [*Passed October 19, 1711.*]

Legislative  
Records of the  
Council,  
ix., 146.  
Mass.  
Archives,  
cxiii., 611.  
Mass.  
Archives,  
cxiii., 609.

## CHAPTER 71.

(Province Laws, IX., 198.)

VOTE CONFIRMING A GRANT OF THREE HUNDRED ACRES OF LAND,  
ADJOINING OXFORD, TO COL. ELISHA HUTCHINSON IN SATIS-  
FACTION OF THE GRANT TO HIS FATHER CAPT. EDWARD HUTCH-  
INSON IN 1674.

A PLAT of three Hundred Acres of Land laid out by Cpt. John Chandler Surveyour to Coll: Elisha Hutchinson, in Satisfaction of a Grant made by the General Court in 1674: to his Father Cpt. Edw<sup>d</sup> Hutchinson bounding on the Town of Oxford on the North, on Land of the Hon<sup>ble</sup> Joseph Dudley Esq<sup>r</sup> on the South, on Kekamowadchoag Lands on the East, And Partly on Woodstock & partly on M<sup>r</sup> Wades Farm on the West was presented to the General Court.

Legislative  
Records of the  
Council,  
ix., 146.  
Mass.  
Archives,  
Maps and  
Plans, 3d series,  
iv., 10.  
Mass. Bay  
Records, v., 7.  
*Ante*, p. 694,  
chap. 7.

In Council

Read and accepted of the Laying out of the Land within-men-tioned to Col<sup>o</sup> Elisha Hutchinson, In Satisfaction for the Grant of Three Hundred acres to his Father Captain Edward Hutchinson by the General Court in May, 1674.

In the House of Representatives

Read & Concurr'd provided It Intrench not on any former Grant or Grants. [*Passed October 19, 1711.*]

## CHAPTER 73.

(Province Laws, IX., 199.)

VOTE ACCEPTING THE REPORT OF THE COMMITTEE APPOINTED TO  
LAY OUT THE HEAD BOUNDS OF KITTERY.

PURSUANT to the Ord<sup>r</sup> of the Gen<sup>l</sup> Assembly held at Boston y<sup>e</sup> 30<sup>th</sup> day of May 1711, Appointing & Impowring us y<sup>e</sup> Subscrib<sup>rs</sup> a Committee to Lay out y<sup>e</sup> head bounds of Kittery within y<sup>e</sup> County of york Wee have Accordingly on y<sup>e</sup> 18<sup>th</sup> day of Septemb<sup>r</sup> Instant run y<sup>e</sup> s<sup>d</sup> bounds as followeth viz<sup>t</sup> by Newchewanack great riv<sup>r</sup> be-gining at Quamphegon Falls from thence Extending as s<sup>d</sup> river runs Northwest and by North Nearest up into y<sup>e</sup> Country Eight miles unto a falls known by y<sup>e</sup> Name of y<sup>e</sup> Stair falls where there is a Certain great hemlock tree marked on y<sup>e</sup> North Eastward Side of s<sup>d</sup> River and from thence runs North East & by East Eight miles

Legislative  
Records of the  
Council,  
ix., 148.  
Mass.  
Archives,  
iii., 421.  
*Ante*, p. 792,  
chap. 6.



unto a great hemlock tree marked and Sundry other Small trees marked near it which is y<sup>e</sup> northward bounds of s<sup>d</sup> Kittery, And from thence running Southeast and by South unto a Certain river ruñing into a pond known by the Name of Boneybeage pond and by s<sup>d</sup> riv<sup>r</sup> unto y<sup>e</sup> s<sup>d</sup> pond and So through s<sup>d</sup> pond unto y<sup>e</sup> South-east End thereof to a pitchpine marked & from thence to a Certain Spring known by y<sup>e</sup> name of Bakers Spring runing out from und<sup>r</sup> a Certain rock known by y<sup>e</sup> Name of y<sup>e</sup> Engraven rock Lying from s<sup>d</sup> pond South Southeast Nearest which Spring & rocks is y<sup>e</sup> antient & known bounds between y<sup>e</sup> towns of Kittery & york.

JOHN WHEELWRIGHT  
ABRA<sup>m</sup> PREBLE JU<sup>r</sup>

In Council.

Read and accepted.

In the House of Representatives

Read & Concurr'd. [*Passed October 23, 1711.*]

## CHAPTER 78.

(Province Laws, IX., 201.)

VOTE REFUSING TO DIVIDE SWANSEA INTO TWO DISTINCT TOWNS BUT RECOMMENDING TO THE PETITIONERS THE ESTABLISHMENT AND SUPPORT OF A LEARNED ORTHODOX MINISTER.

Legislative  
Records of the  
Council,  
ix., 151.  
Mass.  
Archives,  
cxiii., 599.

*Ante*, p. 794,  
chap. 22.

A HEARING was had according to Appointm<sup>t</sup> before the whole Court, of the Petition of Part of the Inhabitants of the Town of Swanzey to be made a distinct Town.

On Consideration of the Pleas and Papers offered on the part of the Petitioners and on the part of the Town, This Court see not reason as yet to Divide Swanzey into two Distinct Town's; But approve the good & Laudable Inclination of the Petitioners to Encourage Religion in that part; And Recommend to them the Establishment and Support of a Learned Orthodox Minister of good Conversation, And to Endeavour a Subscription for his comfortable and H[on]orable maintenance. [*Passed October 26, 1711.*]

## CHAPTER 109.

(Province Laws, IX., 209.)

ORDER ESTABLISHING THE LANDS IN DEDHAM ON THE NORTH SIDE OF THE CHARLES RIVER CIRCUMSCRIBED AND BOUNDED BY SAID CHARLES RIVER, WATERTOWN AND NATICK (EXCEPTING GREAT ISLAND) AS A TOWN BY THE NAME OF NEEDHAM PROVIDED THEY SETTLE AND SUPPORT A LEARNED ORTHODOX MINISTER OF GOOD CONVERSATION.

Legislative  
Records of the  
Council,  
ix., 162.  
Mass.  
Archives,  
cxiii., 623.

Mass.  
Archives,  
cxiii., 620-622,  
624-629.  
Legislative  
Records of the  
Council,  
ix., 158.  
*Ante*, p. 784,  
chap. 89.

IN THE AFFAIRE of the Inhabitants of Dedham living on the North side of Charles River, by their Petition humbly Praying to be made a Township, by reason of theire great Distance from the place of the Publick Worship of God in Dedham. The Petitioners and the Agents appointed by Dedham having been fully heard before this Court.

*Ordered* That the Prayer of the Petition be Granted, And that the Lands now within the Township of Dedham Lying on the North side of Charles River, circumscribed & bounded with Charles River, Watertown Line and Natick Line, Excepting only the Island commonly called the Great Island, be made a distinct and Sep-



erate Town by the name of Needham And that all the present Inhabitants upon the said Tract of Land; with such others as shall hereafter Inhabit and dwell there, have use exercise and Enjoy the immunities powers and priviledges by Law Granted to the Inhabitants of other Towns Provided they do procure Settle and honorably Support a Learned Orthodox Minister of good conversation to reside with them. [*Passed November 6, 1711.*]

## CHAPTER 118.

(Province Laws, IX., 212.)

ORDER APPOINTING A HEARING ON THE PETITION OF THE INHABITANTS OF REHOBOTH, LIVING AT PALMER'S RIVER IN THE SECOND OR SOUTH MILITARY COMPANY THERE, TO BE SET OFF AS A DISTINCT AND SPECIAL PRECINCT FOR THE MINISTRY.

UPON READING A PETITION of Samuel Peck in Behalf of the Inhabitants of Rehoboth living at Palmers River, & in the Limits of the second or the South Military Company there; Praying to be sett off a distinct & special Precinct for the Ministry;

[*Ordered*] That the Petitioners serve the Town of Rehoboth with a Copy of the Petition, and acquaint them, If they have any Thing to say why the Prayer thereof be not granted, they may be heard on the second Wednesday of the next Session in May: [*Passed November 7, 1711.*]

Legislative  
Records of the  
Council,  
ix., 165.

Mass.  
Archives,  
xi., 231, 386-390;  
cxlii., 596, 597.

## CHAPTER 122.

(Province Laws, IX., 213.)

ORDER CONFIRMING TWO HUNDRED ACRES OF LAND BETWEEN SHERBORN AND MARLBOROUGH TO JOSEPH DANIELS OF MEDFIELD IN THE RIGHT OF JEREMIAH BUMSTEAD.

UPON READING THE PETITION of Joseph Daniel[s]<sup>1</sup> of Medfield Praying Confirmation of a Tract of Two Hundred Acres of Land laid out to him by Henry Adams Surveyour upon a Grant made by the General Court about the Year 1685. to Jeremiah Bumstead & purchased of him by the Petitioner, the said Land lying in one Parcel . . . Westerly of Sherburn Township, Southerly of Marlborough near the South part of Thomas Woolson's Farm.

*Ordered* that the Prayer of the above Petition be Granted, & the Tract of Land mentioned therein be confir[med]<sup>2</sup> to the Petitioner, according to the Plat herewith Exhibi[ted]<sup>2</sup> Provided It Do not Intrench upon any former Grant [nor ex]<sup>2</sup>ceed Two Hundred Acres. [*Passed November 7, 1711.*]

Legislative  
Records of the  
Council,  
ix., 166.

Mass.  
Archives,  
cxliiii., 15.

Mass.  
Archives,  
Maps and  
Plans, 3d series,  
i., 9. Mass.  
Bay Records,  
v., 484.

<sup>1</sup> Mass. Archives, cxliiii., 15.

<sup>2</sup> Inserted from Legislative Records of the Council.



## CHAPTER 123.

(Province Laws, IX., 213.)

ORDER ANNEXING JOSEPH LOVEJOY AND JOHN STEVENS, OF THE NORTH PRECINCT IN ANDOVER, TO THE SOUTH PRECINCT, IN ORDER TO FINALLY SETTLE THEM IN PEACE, PREVENT ALL FUTURE TROUBLE AND MAKE THE DIVISIONAL LINE MORE REGULAR.

Legislative  
Records of the  
Council,  
ix., 166.  
Mass.  
Archives,  
xi., 384*o*.

Mass.  
Archives,  
xi., 384, 385.  
Legislative  
Records of the  
Council,  
ix., 164.  
*Ante*, p. 779,  
chap. 15.

UPON READING A REPRESENTATION & PETITION of Christopher Osgood and George Abbot Agents for the South Precinct in Andover, therein Setting forth that they are comfortably provided of a Meeting & Ministry Houses with a worthy learned & pious ordained Minister, & in all Points at good Accord with their Christian Neighbours of the other Society being attended with no other Difficulty, but with Respect to the four Families by the last Order of this Court annexed to the North Precinct upon paying their Proportion towards the Charge of Building the Meeting House & Ministry House in the South, One of which namely Joseph Lovejoy has paid the greatest Part of his Proportion thereto, and likewise publicly professed him self contented to be one with them, John Stevens seems not averse to the Payment of his, but the other two express a resolute Obstinacy thereto, Humbly Praying & suggesting that if Joseph Lovejoy & John Stevens may be put over to their Side, it would finally settle them in Peace, prevent all future Trouble, & make the divisional Line more regular and that the[y] will make no further Demand of Payment or otherwise from the other two.

*Ordered* That the Prayer of the Petition be Granted. [*Passed November 7, 1711.*]

## CHAPTER 127.

(Province Laws, IX., 214.)

ORDER APPOINTING JAMES WARREN, ESQ., AND OTHERS, A COMMITTEE ON THE PETITION THAT THE WESTERLY PART OF DUXBURY, COMMONLY CALLED MATTAKESSET, PART OF MARSHFIELD AND THE MAJOR'S PURCHASE BE MADE INTO A DISTINCT TOWNSHIP.

Legislative  
Records of the  
Council,  
ix., 169.  
Mass.  
Archives,  
cxiii., 586.

Mass.  
Archives,  
cxiii., 583-585,  
587-589.  
Legislative  
Records of the  
Council,  
ix., 153, 160.  
*Ante*, p. 792,  
chap. 6*a*.

IN THE AFFAIR of the Inhabitants of the Northwestward part of the Town of Duxbury commonly called Mattakeset, within the County of Plymouth, and the Inhabitants on a Tract of Land within the Township of Marshfield Lying to the Southwestward of Mattakeset, and the Land called the Majors Purchase, adjoining to Each other, Praying That the said three several Precincts or Tracts of Land from the Easterly side of Matthew Keanes house and Land on a streight Line to Pinebrooke where the way goes over it to be the bounds betwixt them and Duxbury, The bounds of the whole three Tracts or Precincts towards the South partly by Duxbury and in part by Plymouth, towards the West by Bridgewater and towards the North and East by Situate, may be United and Erected into a Township. The Petitioners and the Agent for Duxbury having been heard before this Court the twenty sixth of October past, the Representative of Duxbury having sett forth that the Land prayed for by the Petitioners in their Town is more in Value than that which will remain;

[In the House of Representatives]

*Ordered* That James Warren, Samuel Thaxter Esq<sup>rs</sup> & Capt:



Jacob Tompson [Tomson]<sup>1</sup>, be a Committee, with such as the Hon<sup>ble</sup> Board Shall appoint, to go upon the place view the Land, & Consider the Circumstances of it, & Report such Bounds, as they think proper for a new Township, & make Report to this Court, at their next session.

In Council

Read and Concurr'd and John Cushing Esq and m<sup>r</sup> Is<sup>a</sup> Lothrop named of the Committee for the affair afores<sup>d</sup>. [*Passed November 6,<sup>a</sup> 1711.*]

## CHAPTER 148.

(Province Laws, IX., 222.)

ORDER ANNEXING ONE-HALF OF THE THREE THOUSAND ACRES CALLED THE BLUE HILL LANDS, IN BRAINTREE, LATELY PURCHASED FROM BOSTON BY MILTON, TO SAID MILTON, THE REST TO LIE IN BRAINTREE AND APPOINTING ISAAC WINSLOW, ESQ., AND OTHERS, A COMMITTEE TO STATE THE BOUND LINE OF THE DIVISION ACCORDINGLY, NOTIFYING BOTH TOWNS OF THE SAME.

A HEARING being had this Day between the Agents for the Town of Milton on the one Part & the Agents for the Town of Brantrey on the other Part relating to a Petition preferred by the Town of Milton Praying that a certain Tract of Land containing about Three Thousand Acres, called by the Name of Blue Hill Lands bounded upon Milton Line Northerly &c by them lately purchased of the Town of Boston at present contained within the Township of Brantrey may be annexed to & made Part of the Township of Milton;

In Council

*Ordered* That one halfe of the three Thousand acres of purchased Lands within-mentioned Lying on that side next to Milton be annex'd to the Township of Milton, The rest to Lye to the Township of Brantrey And that Isaac Winslow and John Cushing Esq<sup>rs</sup> with such as shall be named by the Representatives Be a Committee to State the bound Line of the Division afores<sup>d</sup> accordingly. m<sup>r</sup> Winslow to Appoint the time, and give Notice thereof to the Selectmen of both the said Towns. And make Report of their Doings to this Court.

In the House of Representatives

Read & Concurr'd, & Maj<sup>r</sup> Samuel Thaxter & M<sup>r</sup> Will<sup>m</sup> Denison are named to be of the s<sup>d</sup> Committee. [*Passed March 18, 1711[-12].*]

## CHAPTER 152.

(Province Laws, IX., 224.)

ORDER DECLARING THAT THE PATENT LINE BETWIXT THE LATE COLONIES OF MASSACHUSETTS BAY AND PLYMOUTH BE AND REMAIN THE BOUNDS BETWEEN SUFFOLK, PLYMOUTH AND BRISTOL COUNTIES AND APPOINTING CAPT. JACOB TOMSON TO RUN THE SAME AT THE CHARGE OF THE TOWNS ABUTTING ON SAID LINE.

UPON A HEARING Had before this Court in a former Session between a Comm<sup>tee</sup> for the Town of Dorchester within the County of Suffolk & agents for y<sup>e</sup> Town of Bridgewater within the County of Plimouth relating to a Controversy about the Bound Line between the said two Towns,

Legislative  
Records of the  
Council,  
ix., 176.  
Mass.  
Archives,  
cxlii., 593,  
593a.

Mass.  
Archives,  
cxlii., 592-595.  
*Ante*, p. 793,  
chap. 10.

Legislative  
Records of the  
Council,  
ix., 181.  
Mass.  
Archives,  
iii., 129, 129a

<sup>1</sup> *Post*, p. 800, chap. 154.

<sup>2</sup> This date is November 9 according to Legislative Records of the Council.



Mass.  
Archives,  
iii., 128, 128a.  
*Ante*, p. 787,  
chap. 130.

*Ordered*, That the Line anciently called the Pattent Line betwixt the Colonys of the Massachusetts Bay and Plymouth as Stated from accord Pond upon a Streight Line to [Angle Tree]<sup>1</sup> be and remain the bounds between the respective Countys of Suffolk Plymouth and Bristol. And that Captain Jacob Tompson [Tomson]<sup>2</sup> of Middleborô Surveyour be and hereby is appointed and Impowred to run y<sup>e</sup> s<sup>d</sup> Line. Giving notice of the time he shall appoint for that purpose to y<sup>e</sup> Selectmen of y<sup>e</sup> several Towns of Dorchester Wrentham, Hingham, Weymouth, Tanton Bridgwater and Attleborô, that they may appoint persons to attend him, And to make Report of his Doings therein to this Court at their next Session. This to be performed at the Charge of the respective Towns aforementioned. [*Passed March 18, 1711*[-12].

## CHAPTER 154.

(Province Laws, IX., 224.)

### VOTE ACCEPTING THE REPORT OF THE COMMITTEE ESTABLISHING THE BOUNDS BETWEEN THE SOUTHEASTERLY PART OF DUXBURY AND THE NORTHWESTERLY PART THEREOF, CALLED MATTAKESET.

Legislative  
Records of the  
Council,  
ix., 179.  
Mass.  
Archives,  
cxliii., 635.

*Ante*, p. 798,  
chap. 127.

WE Y<sup>e</sup> SUBSCRIBERS being a Committe appointed by y<sup>e</sup> General Court for her Majesties, [Queen Anne's]<sup>3</sup> Province aforesd, at their Sessions at Boston on y<sup>e</sup> 9<sup>th</sup> Day of November last past, to go upon and Vew y<sup>e</sup> lands within y<sup>e</sup> s<sup>d</sup> Town of Duxborough, in Order to y<sup>e</sup> makeing y<sup>e</sup> northwesterly part of s<sup>d</sup> Town of Duxborough Cal'd Mattakeeset a Distinct Township, Have Pursuant to y<sup>e</sup> S<sup>d</sup> Order Vewed y<sup>e</sup> s<sup>d</sup> lands and heard y<sup>e</sup> Pleas and Alligations, of y<sup>e</sup> agents on y<sup>e</sup> behalf of y<sup>e</sup> S<sup>d</sup> Town of Duxborough, and y<sup>e</sup> Agents on y<sup>e</sup> behalf of y<sup>e</sup> Inhabitants of y<sup>e</sup> s<sup>d</sup> Northwesterly Part of y<sup>e</sup> s<sup>d</sup> Town, Relating to their Circumstances as to y<sup>e</sup> aforesd Affair, and Haveing Duely weighed and Considered y<sup>e</sup> same, do agree and Humbly are of Opinione, That ye Bounds Between y<sup>e</sup> Southeasterly part of Duxborough aforesd and y<sup>e</sup> Northwesterly part thereof Cal'd Mattakeeset, may and ought Justly to be Settled as followeth, (viz) begening at a marked stake standing in y<sup>e</sup> line between y<sup>e</sup> s<sup>d</sup> Town of Duxborough and y<sup>e</sup> lands belonging to y<sup>e</sup> Town of marshfeild, about one hundred and four Rods Southeasterly from y<sup>e</sup> Easterly Corner of Robert Stetsons lands whereon he now dwelleth, and from y<sup>e</sup> s<sup>d</sup> Stake Runing northeast and by north nearest, to y<sup>e</sup> Easterly Corner of Mathew Caeins land, and from thence on y<sup>e</sup> same Course till it Cometh to Marshfeild Town line.

JOHN CUSHING    SAM<sup>LL</sup> THAXTER  
ISAAC LOTHROP    JACOB TOMSON  
JAMES WARREN

In Council  
Read and accepted.

In the House of Representatives  
Read & Concurr'd. [*Passed March 19, 1711*[-12].

<sup>1</sup> Inserted from the Legislative Records of the Council.

<sup>2</sup> *Infra*, chap. 154.

<sup>3</sup> Whittaker's Almanack, 1920, p. 115.



## CHAPTER 162.

(Province Laws, IX., 227.)

ORDER APPOINTING A HEARING ON THE CLAIM THAT BY A MISREPRESENTATION TWO FAMILIES WERE PUT OVER FROM THE NORTH PRECINCT TO THE SOUTH PRECINCT IN ANDOVER.

UPON READING THE PETITION & REPRESENTATION of Cpt. Benjamin Stevens & others Agents for the North Precinct in Andover setting forth that by a Misrepresentation made to the Court by the Agents of the South Precinct two Families annexed to the North Precinct were put over to the South, Praying that they may be restored;

*Ordered* That a Hearing be Granted on this Petition on the Second Wednesday of the Session of this Court in May next, & That the Petitioners serve the South Precinct, with a Copy of this Petition. [*Passed March 20, 1711*[-12].

Legislative  
Records of the  
Council,  
ix., 185.  
Mass.  
Archives,  
xi., 398.

Mass.  
Archives,  
xi., 395-398.  
*Ante*, p. 798,  
chap. 123.

CHAPTER 164 a.<sup>1</sup>

ORDER ADJOURNING THE HEARING BETWIXT THE LOWER AND UPPER PARTS OF KITTERY AS TO THE MINISTRY UNTIL THE SESSION IN MAY NEXT.

*Ordered* that the Hearing appointed to be at this Session betwixt the Inhab<sup>ts</sup> of the lower & upper Parts of the Town of Kittery [as to the ministry]<sup>2</sup> be adjourned to the Second Wednesday of the Session of this Court in May next. [*Passed March 20, 1711*[-12].

Legislative  
Records of the  
Council,  
ix., 185.

Province  
Laws, ix., 201,  
chap. 79.

## CHAPTER 1.

(Province Laws, IX., 235.)

ORDER ESTABLISHING THE SOUTH PRECINCT IN TAUNTON AS A TOWNSHIP BY THE NAME OF DIGHTON, SAVING THE CHARGE OF BUILDING AND REPAIRING BRIDGES TO A FUTURE TIME, A PLAT TO BE PRESENTED.

UPON READING A PETITION of Cpt. Jared Talbot Agent for the South Precinct in Taunton, Praying in the Name & Behalf of the Inhabitants of the said Precinct that they may be made a Town, as prayed for in a former Petition.

*Ordered* that the Prayer of the Petition be granted for a Township, The Town to be named Dighton, There having been a Hearing betwixt the Petitioners & the Agents for the Town of Taunton before this Court in a former Session some Time since, And that upon the Application of the Select Men of Taunton or of Dighton, the former Committee assigned to survey & propose a Line for the Precinct be desired & impowered to perfect fully describe & ascertain the Line throughout, & Report the same to this Court, Not including any Land, but what is properly within the Township of Taunton, Saving the Determining the Charge of the Building & Repairing of Bridges upon a Hearing at any Time before this Court, As also a Proportion of all arrearages of Town Charges accruing whilst Taunton Township remained entire before Division, And that a Platt of this Township be presented. [*Passed May 30, 1712*.]

Legislative  
Records of the  
Council,  
xi., 195.

*Ante*, p. 791,  
chap. 136.

<sup>1</sup> Omitted from Province Laws, ix., 227.

<sup>2</sup> Province Laws, ix., 201, chap. 79.



## CHAPTER 2.

(Province Laws, IX., 235.)

VOTE ACCEPTING THE REPORT OF THE COMMITTEE ON THE BLUE HILL LANDS IN BRAINTREE, BELONGING TO MILTON, ESTABLISHING A NEW LINE BETWEEN SAID TOWNS BY WHICH ONE-HALF OF SAID LANDS ARE ANNEXED TO MILTON.

Legislative  
Records of the  
Council,  
ix., 195.

Ante, p. 793,  
chap. 10;  
p. 799, chap.  
148.

WHEREAS the Town of Milton have petitioned the General Court of the Said Province, Praying that a certain Tract of Land containing about Three Thousand Acres called by the Name of the Blue Hill Lands, bounded Northerly upon Milton Town Line by them lately purchased of the Town of Boston then lying within the Township of Braintree might be annexed to & be a Part of the Township of Milton, Whereupon the said Court did order that the one Half of the said Tract of Land should be annexed to the Township of Milton, And the Rest to ly to the Township of Braintree, And that We the Subscribers should be a Committee to state the Bound Line of the Division accordingly, as per the said Courts Order dated March 14, 1711. at large appears, Therefore We the said Committee pursuant to the aforesaid Order mett upon the aforesaid Tract of Land on the twenty first Day of May afores<sup>d</sup>. And having notified the Select Men of both the said Towns of the Time & Place of Meeting, And the Select Men of Milton being present, but the Select Men of Brantrey appeared not; We proceeded and surveyed the said Tracts of Land, And sett off the Northerly Half Part thereof to the said Town of Milton, And stated the Dividing Line between the Towns of Milton & Brantrey upon the said Tract of Land in Manner following, That is to say, Beginning at a Heap of Stones in the Bound Line of the Easterly End of the said Three Thousand Acres of Blue Hill Land near to which stands a White Oak Tree, w<sup>ch</sup> we mark'd with the Letter (M) on the Northerly Side & (B) on the Southerly Side; & from thence we proceeded & ran a Line West & by South nine Degrees Southerly & mark'd sev<sup>ll</sup> Trees in the Line with Letters as aforesaid untill we came to a Grey Oak Tree standing near the East Way leading from Milton to Puncapauge by the Foot of one of the Blue Hills w<sup>ch</sup> said Tree We mark'd with the Letter M on the North Side & B. on the South Side, And from thence we ran a Line West South West nine Degrees Southerly & mark'd sev<sup>ll</sup> Trees in the Range with Letters as aforesaid till we came to Dorchester Town Line, Where we sett up a Stake with a Heap of Stones about it & mark'd the said Stake with the Letter M on the Northerly Side, & B on the Southerly Side thereof.

ISAAC WINSLOW, SAMUEL THAXTER,  
JOHN CUSHING, WILLIAM DENISON.

[In Council  
Read and Accepted  
In the House of Representatives  
Read and Concurred.] *[Passed May 30, 1712.]*



## CHAPTER 4.

(Province Laws, IX., 235.)

ORDER EXTENDING THE BOUNDS OF DEERFIELD NINE MILES FROM THE CONNECTICUT RIVER INTO THE WESTERN WOODS AND GRANTING MR. JOHN WILLIAMS, MINISTER, TWO ISLANDS IN SAID RIVER, RIGHT AGAINST THE TOWN PLAT.

UPON READING A PETITION of M<sup>r</sup> John Williams Minister of Deerfield in Behalf of the said Town of Deerfield, Praying that the Bounds of the said Town may extend Westward from Connecticut River as Northampton & Hatfield do; Viz, Nine Miles from the River into the Western Woods, Also that the two Islands in the River aforesaid right against the Town Platt may be granted to the Petitioner & his Heirs for Ever Provided no former Grants intervene Containing between thirty & forty Acres in them both:

*Ordered* that the Prayer of the s<sup>d</sup> Petition be granted. [*Passed June 3, 1712.*]

Legislative  
Records of the  
Council,  
ix., 197.

Mass.  
Archives,  
Maps and  
Plans,  
xxxv., 20.

## CHAPTER 7.

(Province Laws, IX., 237.)

VOTE ACCEPTING THE AGREEMENT FOR THE ACCOMMODATING AND FINAL ISSUE OF ALL DISPUTES, DIFFERENCES AND CONTROVERSIES BETWIXT THE NORTH AND SOUTH PRECINCTS IN ANDOVER BY WHICH THE TWO FAMILIES LATELY LAID TO THE SOUTH PRECINCT ARE RESTORED TO THE NORTH PRECINCT.

AN AGREEMENT between the two Precincts in Andover; Viz,

The Accomodating & final Issuing of all Disputes Differences & Controversies heretofore moved & depending betwixt the Inhab<sup>ts</sup> of the North Precinct on the one Part, And the Inhab<sup>ts</sup> of the South Precinct, both within the Town of Andover, in the County of Essex on the other Part.

Legislative  
Records of the  
Council,  
ix., 199.

It is mutually Consented & Agreed by & between Cpt. Benjamin Stevens Benjamin Barker & John Johnson Agents for the North Precinct, George Abbot Nehemiah Abbot & Joseph Chandler Agents for the South Precinct in the Town of Andover as followeth; Viz, That the Agents for the said South Precinct do fully Consent & Agree that John Stevens & Joseph Lovejoy with their Families & Home Estate lately laid to the South Precinct by Order of the Gen<sup>l</sup> Assembly shall be & hereby are dismiss from them & restored to the North Precinct, in all Times hereafter to be reckoned & accounted as Part & Members of the said North Precinct: And the said Agents for the North Precinct do freely accept of the two Persons above named with their Families & Home Estate in full Compromise & final Issue of all Disputes Differences & Controversies heretofore had moved or depending betwixt the said two Precincts referring to Persons or Limits:

And both Parties humbly pray the Hon<sup>ble</sup> Gen<sup>l</sup> Assembly to add their Sanction hereto in Accepting of this their mutual Agreem<sup>t</sup> And that it may remain of Record

GEORGE ABBOT	BENJ <sup>A</sup> STEVENS
NEHEMIAH ABBOT	BENJ <sup>A</sup> BARKER
JOSEPH CHANDLER	JOHN JOHNSON

Read & Accepted by the Council, & Ordered to be of Record.  
And Concur'd by the Representatives. [*Passed June 4, 1712.*]



## CHAPTER 12.

(Province Laws, IX., 238.)

ORDER REVIVING THE ORDER OF MARCH LAST APPOINTING PENN TOWNSEND, ESQ., AND OTHERS, A COMMITTEE TO DETERMINE THE PARTING LINE BETWEEN DEDHAM AND NEEDHAM AND THE PLACE FOR SETTING UP THE MEETING-HOUSE IN NEEDHAM.

Legislative  
Records of the  
Council,  
ix., 201.

*Ante*, p. 796,  
chap. 109.

UPON READING A PETITION & REPRESENTATION of the Town of Dedham by their Select Men Praying that the Line mentioned & prefixed by the Town of Dedham for a Parting Line between Dedham & Needham may be accepted & settled between the two Towns aforesaid.

*Ordered* that the Order pass'd thereon in Council at the Session of this Court in March last be revived; Viz, Ordered that a Comm<sup>tee</sup> of both Houses be appointed to go upon the Place to consider of a Line of Division between the said Towns, Having great Respect to the ancient Town of Dedham, to hear both Sides & to Endeavour to bring them to an Agree<sup>mt</sup> between themselves, Otherwise to propose what they judge most agreeable for the Benefit of both Towns, & Make Report to this Court at their next Session, And Penn Townsend & Ephraim Hunt Esq<sup>rs</sup> are appointed of the Committee for this Affair, The said Comm<sup>tee</sup> also to consider & determine any Difference that may be amongst the Inhabitants of Needham referring to the Place for Setting up their Meeting House: Concur'd by the Repres<sup>ves</sup> & Thomas Oliver & Samuel Thaxter Esq<sup>rs</sup> & M<sup>r</sup> W<sup>m</sup> Denison appointed of the Comm<sup>tee</sup>. [*Passed June 5, 1712.*]

## CHAPTER 22.

(Province Laws, IX., 240.)

ORDER APPOINTING ISAAC WINSLOW, ESQ., AND OTHERS, A COMMITTEE TO CONSIDER THE PETITION OF EDWARD BABBET AND OTHERS OF TAUNTON TO PURCHASE A TRACT OF THE COUNTRY'S LAND IN BRISTOL COUNTY CONTAINING ABOUT FIVE OR SIX THOUSAND ACRES, BOUNDED BY TAUNTON, REHOBOTH, NORTON, DIGHTON AND SWANSEA, SAID TOWNS TO BE NOTIFIED.

Legislative  
Records of the  
Council,  
ix., 204.

UPON READING A PETITION of Edward Babbet Nath<sup>l</sup> Halloway & others Inhabitants of Taunton, Praying a Grant of a certain Tract of the Country's Land containing about Five or Six Thousand Acres lying wast & unimproved within the County of Bristol, bounded Westerly by Rehoboth Line, North & South by Taunton old Town Bounds, & Proposing to pay a valuable Consideration for the same:

*Ordered* that Isaac Winslow Nath<sup>l</sup> Payne & John Cushing Esq<sup>rs</sup> with such as shall be named by the House be a Comm<sup>tee</sup> to go upon & view the Tract of Land & the Quality & Contents thereof as they may judge, & report the same to this Court with their Opinion of the Value of it, Giving Notice to Taunton, Rehoboth, Norton Dighton & Swanzey adjacent Towns to attend to shew their Lines: Concur'd by the Repres<sup>ves</sup> And Cpt. Seth Arnold & Cpt. W<sup>m</sup> Southworth Members of that House appointed to be of the Committee. [*Passed June 9, 1712.*]



## CHAPTER 24.

(Province Laws, IX., 240.)

ORDER ERECTING THE EASTERLY PART OF BRIDGEWATER AND LANDS ADJOINING INTO A TOWN TO BE NAMED ABINGTON, A LEARNED ORTHODOX MINISTER BEING SETTLED, AND A PLAT PRESENTED.

UPON READING A PETITION of sev<sup>n</sup> of the Inhabitants of the Easterly Part of the Town of Bridgewater, & sev<sup>n</sup> Proprietors of Land adjoining Praying to be a Township, the whole of the said Tract of Land containing about six Miles in Length & about five Miles & an Half in Breadth, bounded on the North with the Line of the late Colonies of the Massachusetts Bay & Plimouth East upon the Town of Scituate, South with the Line that is the South-erly Bounds of the Lands of John Cushing sen<sup>r</sup> & jun<sup>r</sup> Esq<sup>rs</sup> & from thence on the South Westerly Side by certain Bounds which the Town of Bridgewater have sett & prefixed to Bever Brook & on the West with the said Brook untill it comes to the Extent of the Township of Bridgewater Northward, together with a small Gore of Land lying between the said Township of Bridgewater & the Line of the afore said Colonys: The Town of Bridgewater having signified their Consent thereto, And a Plat of the said Land being now presented, And the Petitioners setting forth that the[y] have settled a learned orthodox Minister,

*Ordered* that the Prayer of the Petition be granted, the Tract of Land within mentioned to be erected into a Town & that the Town be named Abington. [*Passed June 10, 1712.*]

Legislative  
Records of the  
Council,  
ix., 205.

*Ante*, p. 744,  
chap. 102.

## CHAPTER 25.

(Province Laws, IX., 241.)

ORDER APPOINTING A HEARING ON THE PETITION OF THE INHABITANTS ON THE WEST SIDE OF CHARLES RIVER IN MEDFIELD TO BE A DISTINCT TOWNSHIP, MEDFIELD TO BE NOTIFIED.

UPON READING A PETITION of sundry of the Inhabitants living on the Westerly Side of Charles River within the Town of Medfield within the County of Suffolk, Praying that all the Lands within the said Township lying on the Westerly Side of Charles River; Viz, between Charles River & Sherburn Line may be united & erected into a distinct Township:

*Ordered* that the Petitioners Cause the Select Men of Medfield to be served with a Copy of this Petition & that they be heard thereon on the first Fryday of the next Session if ought they have to object why the Prayer thereof sh<sup>d</sup> not be granted. [*Passed June 10, 1712.*]

Legislative  
Records of the  
Council,  
ix., 205.



## CHAPTER 34.

(Province Laws, IX., 243.)

Legislative  
Records of the  
Council,  
ix., 207.

ORDER ERECTING THE VILLAGE OR DISTRICT OF MANAMOIT INTO  
A TOWN BY THE NAME OF CHATHAM.

Mass.  
Archives,  
Maps and  
Plans, 3d series,  
xv., 12.  
*Ante*, p. 795,  
chap. 70.

UPON READING A PETITION of the Inhab<sup>ts</sup> of the Village or District of Manamoit to be made a Town

*Ordered* that the Village or District now called Manamoit be erected into a Township & the Town named Chatham. [*Passed June 11, 1712.*]

## CHAPTER 46.

(Province Laws, IX., 247.)

VOTE ACCEPTING THE REPORT OF THE COMMITTEE FOR LAYING OUT THE RESERVED LANDS IN DRACUT FOR SETTLING NEW INHABITANTS TO STRENGTHEN THE TOWN AND SUPPORT THE MINISTRY, WHO, HAVING PROVIDED FOR THE MINISTRY AND SCHOOL AND LAID OUT THIRTY LOTS, SHALL PAY THEIR PROPORTIONATE SHARE.

Legislative  
Records of the  
Council,  
ix., 212.

*Ante*, p. 779,  
chap. 10.

WHEREAS Coll. Jonathan Tyng Cpt. John Lane, John Sternes, Samuel Hill & Edward Johnson were appointed by the Gen<sup>l</sup> Court at their Session in May 1710, (or any three of them) to be a Committee to lay out Lotts in the Township of Dracutt for the Settling of New Inhabitants for the Strengthening the Town, & for the Support of the Ministry in said Town; We report as follows; Viz, We have laid out Three Hundred Acres of Land for the Ministry according to our Direction as good & convenient as we could & Fifty Acres more joining unto it for the first settled Minister in said Town, And because we could find no convenient Land in all the Reserved Land for the Settling of a Minister, the former Proprietors have out of their own proper Right given thirty acres of Land for a House Lott for the first settled Minister, Also we gave Order for the Laying out of Two Hundred Acres for a School in the said Town, And we have laid out twenty three House Lotts in the Reserved Lands; Viz, Fifteen of y<sup>m</sup> we laid out in a small Tract of Land, which lyeth on the Great River between two Farms, which are all taken up; And we have ordered fifteen Acres of Meadow or make Meadow to each of said Lotts, And these Lotts are ordered to pay seventeen Shillings a Piece yearly towards the Support of the Ministry in the said Town of Dracutt & forty Shillings each for the Bearing the Charge already expended, & that shall be expended till the Finishing of the Work by the Committee, Further we have laid out eight Lotts more remote, Which Lotts we ordered to pay ten Shillings to the Support of the Ministry in said Town, & twenty Shillings per Lott for Defraying the Charges as aforesaid, And whereas the Possessors of the said Fifteen Lotts are ordered to pay seventeen Shillings per Year to the Support of the Ministry & the Possessors of the eight Lotts ten Shillings per Year for the Support of the Ministry as aforesaid, The true Intent & Meaning thereof is that as soon as the Proprietors shall be accepted by the said Town of Dracut as settled Inhabitants, or otherwise accepted & approved of by the General Courts Committee then in Being then to pay by Stock & Estate in Proportion with the Rest of the Inhabitants of the Town, Further we have granted to the several respective Lotts to each of which is before granted fifteen Acres of Meadow one full thir-



tieth Part of the reserved Lands in said Town & proportionably for smaller Lotts (Excepting the Three Hundred Acres granted to the Ministry & Two Hundred to the School, & Three Hundred Acres to M<sup>r</sup> Jeremiah Belcher to him laid out by the Town & approved by the Committee in full Satisfaction of his Fathers Claim by an Indian Title) to be appropriated unto the said respective Lotts for Ever; also there are one or two Lotts more partly laid out, And if there may be found a Competency of Meadow sufficient, We shall make up the Number of Lotts to Thirty, Pursuant to the Direction of the General Court; Also it is Agreed & Concluded that no Person should make Sale of his or their Lott or Lotts taken up as abovesaid without Leave first had & obtained from the General Courts Committee then in being or the Select Men of the Town of Dracut or the Major Part of them, And that this Restraint on s<sup>d</sup> Proprietors as to Selling as above said shall cease & determine upon their being accepted and approved of as settled Inhabitants by the said Town of Dracutt; In Witness whereof We have hereunto sett our Hands.

JONATHAN TYNG }  
JOHN LANE }  
JOHN STERNES }

MARCH 12, 1711.

Read & Accepted in the House of Representatives;  
Concur'd by the Council. [*Passed June 13, 1712.*]

## CHAPTER 50.

(Province Laws, IX., 249.)

ORDER APPOINTING NATHANIEL BYFIELD, ESQ., AND OTHERS, A COMMITTEE TO CONSIDER THE PETITION OF THE WEST SIDE OF SWANSEA TO BE A TOWNSHIP.

UPON READING A PETITION of the Inhabitants of the Lands on the West Side of the Town of Swanzey Praying to be made a Township

*Ordered* that Nathaniel Byfield Esq<sup>r</sup> Cpt. Joseph Brown & M<sup>r</sup> Edward Fobes be a Committee to joyn with such as the Honourable Board shall appoint to go upon the Place, Enquire into the Circumstances of the Town & Consider the Reasonableness of the Desire of the Petitioners & report to this Court at their Session the next Fall what they apprehend most expedient to be done in the Affair mentioned in the Petition; Thomas Leonard Esq<sup>r</sup> added to the Committee. [*Passed June 13, 1712.*]

Legislative  
Records of the  
Council,  
ix., 214.

*Ante*, p. 796,  
chap. 78.

## CHAPTER 68 a.<sup>1</sup>

ORDER SUSPENDING AND DEFERRING THE HEARING APPOINTED ON THE PETITION OF LOWER KITTELY AS TO THE MINISTRY.

UPON READING A PETITION of the Inhabitants together with the Select Men of the Upper Parish in Kittery, Praying that the Hearing appointed on the Petition of the lower Kittery [as to the Ministry]<sup>2</sup> may be suspended & deferred.

*Ordered* that the Hearing be adjourned to the second Wednesday of the Session of this Court in the Fall of the Year. [*Passed June 14, 1712.*]

Legislative  
Records of the  
Council,  
ix., 217.

*Ante*, p. 801,  
chap. 164a.

<sup>1</sup> Omitted from Province Laws, ix., 253.

<sup>2</sup> Province Laws, ix., 201, chap. 79.



## CHAPTER 70.

(Province Laws, IX., 254.)

ORDER APPOINTING JONATHAN CORWIN, ESQ., AND OTHERS, A COMMITTEE TO CONSIDER THE PETITION OF THE WESTERLY PART OF READING TO BE MADE A PRECINCT.

Legislative  
Records of the  
Council,  
ix., 221.

Legislative  
Records of the  
Council,  
ix., 206.  
*Ante*, p. 787,  
chap. 129.

UPON THE PETITION of the Inhab<sup>ts</sup> in the Westerly Part of Redding to be made a Precinct;

*Ordered* that Jonathan Corwin John Higginson & Stephen Sewall Esq<sup>ts</sup> be a Committee to visit the Inhabitants of the Precinct petitioned for & enquire of their Powers to support a Minister & report the same. [*Passed August 21, 1712.*]

## CHAPTER 72.

(Province Laws, IX., 254.)

ORDER APPOINTING A HEARING ON THE MEMORIAL OF THE EASTERLY CONGREGATION IN WATERTOWN, THE MIDDLE PART OF SAID TOWN TO BE NOTIFIED.

Legislative  
Records of the  
Council,  
ix., 222.

ON A MEMORIAL presented by a Committee of the Easterly Congregation in Watertown,

*Ordered* that the Memorialists serve Cpt. Benjamin Garfield a Principal Inhabitant in the Middle Part of the Town with a Copy thereof, That they may have Liberty to object (if ought they have to say) Why a Settlement should not be made as therein proposed; The Hearing to be the second Wednesday of the next Session. [*Passed August 21, 1712.*]

## CHAPTER 76.

(Province Laws, IX., 256.)

VOTE ACCEPTING THE REPORT OF THE COMMITTEE ON THE LINE BETWEEN DEDHAM AND NEEDHAM ESTABLISHING THE LONG DITCH AND ITS CONTINUATION TO THE CHARLES RIVER, SOUTHERLY AND NORTHERLY, AS SAID LINE; THE MEETING-HOUSE IN NEEDHAM TO BE SET UP AT THE PLACE, OR WITHIN TEN RODS OF THE PLACE, THAT THE FRAME NOW LYETH AT THE NORTHWEST END OF MATTHEW OCKINGTON'S FIELD, THE COMMITTEE TO BE PAID 5s. PER DIEM EACH FOR THEIR TIME AND EXPENSES, AT THE EQUAL CHARGE OF SAID TOWNS.

Legislative  
Records of the  
Council,  
ix., 224.

*Ante*, p. 804,  
chap. 12.

PURSUANT TO ORDER the Committee went upon the Place, viewed the Land heard the Reasons & Allegations on both Sides & endeavoured to bring the Parties to an Agreement between themselves, but could not obtain it.

We do therefore humbly propose that the dividing Line between the said Towns of Dedham & Needham be the Ditch commonly called & known by the Name of long Ditch, & to continue the same Course that the said Ditch runs untill it comes to Charles River Southerly and Northerly; And that Needham Meeting House be set up at the Place or at most not ten Rods from the Place where the Frame of the said House now lieth at the North West End of Matthew Ockingtons Field: W<sup>ch</sup> is humbly submitted:

PENN TOWNSEND p Ord<sup>r</sup> of y<sup>e</sup> Comm<sup>tee</sup>



Read & Accepted in Council: Concur'd by the Representatives The Committee to be paid each of them Five Shillings per Diem for their Time & Expences, Half by Dedham, & Half by Needham. [*Passed August 22, 1712.*]

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## CHAPTER 83.

(Province Laws, IX., 258.)

VOTE APPOINTING SAMUEL THAXTER, ESQ., AND CAPT. JACOB TOM-  
SON A COMMITTEE TO LOCATE THE ANGLE TREE IN WRENTHAM  
AND RUN THE PATENT LINE TO ACCORD POND.

*Voted* that Samuel Thaxter Esq<sup>r</sup> & Cpt. Jacob Tompson [Tom-  
son]<sup>1</sup> be a Committee to go to Wrentham & find out the Tree  
called Angle Tree, & proceed to run the [Patent]<sup>2</sup> Line from thence  
to Accord Pond, pursuant to the Courts Order, And to make Report  
of their Doings to the next Session of this Court in May 1713;  
The Chair Man to appoint the Time of the Comm<sup>tees</sup> Attendance.  
[*Passed October 23, 1712.*]

Legislative  
Records of the  
Council,  
ix., 230.

*Ante*, p. 799,  
chap. 152.

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## CHAPTER 84.

(Province Laws, IX., 258.)

ORDER DIRECTING THE PROPRIETORS OF EDGARTOWN AND THE  
INDIANS TO ENJOY AND IMPROVE THE ISLAND OF CHEBAQUE-  
DOCK WITHOUT MOLESTATION BY EITHER SIDE, AS FOR MANY  
YEARS PAST, UNTIL THE END OF THE SESSION OF THE SUPERIOR  
COURT AT PLYMOUTH IN MARCH NEXT, WHOSE JUSTICES ARE  
DIRECTED THEN TO PROCEED AND DETERMINE THE MATTER  
ACCORDING TO LAW.

UPON READING A PETITION & REPRESENTATION of the Propriet<sup>rs</sup>  
of Edgar Town within Dukes County referring to the Interruption  
given them in their Rights & Title & Challenge made of their  
Lands Meadows & Feedings in the Island of Chebaquedock &c by  
an Indian named Joshua set up by some for a Sachem, about which  
sev<sup>al</sup> Law Suits are depending;

Legislative  
Records of the  
Council,  
ix., 231.

*Ordered* that the Proprietors of Edgar Town together with the  
Indians enjoy & improve the said Island without Molestation on  
either Side in Manner as for many Years past they have done,  
until the End of the Session of the Superior Court at Plimouth in  
March next, And the Justices of the said Sup<sup>r</sup> Court are directed  
then to proceed & determine the Matter in Controversy according  
to Law. [*Passed October 24, 1712.*]

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## CHAPTER 85.

(Province Laws, IX., 258.)

ORDER APPOINTING A HEARING ON THE PETITION OF THE INHAB-  
ITANTS OF SALEM ON ROYAL SIDE, SO NAMED, AND OF BEVERLY  
TO BE A PRECINCT FOR THE PUBLIC WORSHIP OF GOD, BEVERLY  
AND SALEM VILLAGE TO BE NOTIFIED.

UPON READING A PETITION of sundry of the Inhab<sup>ts</sup> of Salem  
on Royal Side so named & of Beverly &c, Praying to be made a  
Precinct for Setting up the publick Worship of God among them;

Legislative  
Records of the  
Council,  
ix., 232.

<sup>1</sup> *Ante*, p. 800, chap. 154.

<sup>2</sup> *Ante*, p. 799, chap. 152.



*Ante*, p. 781,  
chap. 25.

[*Ordered*] That the Petitioners serve the Town of Beverly & Salem Village with a Copy of the Petition, that they may be heard, if any Thing they have to object against the Prayer thereof before this Court on the first Fryday of the next Session. [*Passed October 25, 1712.*]

## CHAPTER 97.

(Province Laws, IX., 262.)

RESOLVE SUSPENDING ALL PROCEEDINGS ON THE CHALLENGE AND ASSESSMENT BY EDGARTOWN OF THE ISLAND OF TUCKANNOCK UNTIL A HEARING AND DETERMINATION BEFORE THIS COURT AND ENJOINING MR. MATTHEW MAYHEW, REPRESENTATIVE OF EDGARTOWN, WHO IS NOT INSTRUCTED IN THAT AFFAIR, TO NOTIFY SAID TOWN.

Legislative  
Records of the  
Council,  
ix., 238.

THERE BEING A PETITION lying before this Court referring to the Island of Tuckannock next adjoining to Nantuckett, & the challenge made thereto as being within the Jurisdiction of Dukes County & Assess'd by the Assessors of Edgar Town;

*Resolved* that all Proceedings referring to the said Challenge & Assessment be suspending untill there be a Hearing & Determination of that Controversy before this Court: M<sup>r</sup> Matthew Ma[y]<sup>1</sup> Hew Representative for Edgar Town declaring he is not instructed in that Affair, who is now enjoyned to give Notice to Edgar Town of a Hearing appointed therefor on the second Wednesday of the Session in May next. [*Passed November 1, 1712.*]

## CHAPTER 98.

(Province Laws, IX., 262.)

ORDER APPOINTING A HEARING ON THE PETITION OF TOPSFIELD FOR THE ANNEXATION OF GOV. ENDICOTT'S FARMS AND LANDS ADJACENT, BOXFORD TO BE NOTIFIED.

Legislative  
Records of the  
Council,  
ix., 238.

*Ante*, p. 759,  
chap. 82.

UPON READING A PETITION of the Town of Topsfield, Praying that the Farms of Govern<sup>r</sup> [John]<sup>2</sup> Endicott & some other Lands adjacent may be annexed to the said Town of Topsfield;

*Ordered* that the Petitioners Cause the Select Men of Boxford to be served with a Copy of this Petition & that they be heard before this Court on the second Thursday of the next Session, if they have any Thing to object why the Prayer thereof should not be Granted. [*Passed November 1, 1712.*]

## CHAPTER 99.

(Province Laws, IX., 263.)

ORDER APPOINTING A HEARING ON THE PETITION OF HATFIELD THAT THE GREAT RIVER BE MADE ITS DIVIDING LINE WITH HADLEY, HADLEY TO BE NOTIFIED.

Legislative  
Records of the  
Council,  
ix., 238.

*Ante*, p. 782,  
chap. 35.

UPON READING A PETITION of sev<sup>ll</sup> of the Inhab<sup>ts</sup> of the Town of Hatfield, Praying that the Great River may be made the dividing Line betwixt the said Town of Hatfield & the Town of Hadley;

*Ordered* that the Petitioners serve the Select Men of Hadley with

<sup>1</sup> Mass. Archives, xxxv., 10a.

<sup>2</sup> Manual for the General Court.



a Copy of this Petition that they may shew Cause if any they have, Why the Prayer thereof may not be granted on the second Fryday of the Session of this Court in May next. [*Passed November 1, 1712.*]

## CHAPTER 101.

(Province Laws, IX., 263.)

ORDER CONFIRMING TO THE HEIRS OF MR. JOHN COTTON, DECEASED, FIVE HUNDRED ACRES IN THE NIPMUCK COUNTRY, GRANTED HIM IN MAY, 1685.

HAVING BEEN APPOINTED by the Great & Gen<sup>l</sup> Court or Assembly of her Maj<sup>ties</sup> Province of the Massachusetts Bay at a Session held at Boston the 29th of October, 1707: to lay out Five Hundred Acres of Land upon a Grant to M<sup>r</sup> John Cotton Dec<sup>d</sup> of May 1685: I have accordingly laid out the same in the Nipmug Countrey upon a certain River there commonly called Quenebaug. . .

JOHN CHANDLER Surveyour

Sworn to . . . by the said Surveyour before Isaac Addington *Just: Pacis.*

Legislative  
Records of the  
Council,  
ix., 239.

Mass.  
Archives,  
Maps and  
Plans, 3d series,  
iv., 7.  
*Ante*, p. 755,  
chap. 57.

*Ordered* That the Land Described & Platted [in the plan filed]<sup>1</sup> be Confirmed, to the Heires, of M<sup>r</sup> John Cotton, dec<sup>d</sup> as the Five Hundred Acres, Granted, to him, by this Court in may<sup>2</sup> 1685, provided It Intrench not on any former Grant or Grants. [*Passed November 3, 1712.*]

## CHAPTER 109.

(Province Laws, IX., 265.)

ORDER DIRECTING ICHABOD PLAISTED, ESQ., AND OTHERS, TO CALL A TOWN MEETING IN KITTERY TO CONSIDER THE RAISING OF £240 ANNUALLY FOR THE SUPPORT OF THE THREE MINISTERS, EQUALLY, THAT MR. NEWMARCH, THE PRESENT MINISTER, HAVE HIS CHOICE OF THE LOWER DIVISIONS AND THE COMMITTEE REPORT AT THE NEXT SESSION FOR THE COURT'S SETTLEMENT.

ON THE HEARING had upon the Petition of the lower Part of Kittery for a distinct & separate Precinct;

The Upper Part of the said Town called Berwick having diverse Years since erected a Meeting House for the Publick Worship of God gathered a Church, settled & supported the Ministry among them selves in a distinct Congregation, agreeable to the Vote of the Town in the Year 1669, ratified by the Gen<sup>l</sup> Assembly which this Court see no Cause to alter,

*Ordered* that Ichabod Plaisted & William Pepperil [Pepperrell]<sup>3</sup> Esq<sup>rs</sup> with m<sup>r</sup> Joseph Hammond three principal Inhabitants of the Town of Kittery cause a gen<sup>l</sup> Town Meeting to be summoned of all the Inhabitants qualified to vote in Town Affairs, And propose to the Town the Raising Two Hundred & forty Pounds annually upon the Whole for the Support of the Ministry at the three several Meeting Houses already erected within the said Town in three sev<sup>l</sup> Congregations to be levied distributed & paid to the Ministers of the said sev<sup>l</sup> Congregations in equal Proportion.

Legislative  
Records of the  
Council,  
ix., 242.

*Ante*, p. 807,  
chap. 68a.

<sup>1</sup> Mass. Archives, Maps and Plans, 3d series, iv., 7.

<sup>2</sup> May 27, 1685, Mass. Archives, xlv., 357; no record of same found in Mass. Bay Records.

<sup>3</sup> Mass. Archives, cxv., 874.



Mr [John Newmarch]<sup>1</sup> Newmarsh the present Minister to have the Election of one or other of the said lower Divisions, which he please;

And that they make Report to this Court in their next Session what the Town shall act in his affair, when the Court will have Consideration of the Settlement of the Ministry for the Service of the several Parts or Divisions of the Town. [*Passed November 5, 1712.*]

## CHAPTER 117.

(Province Laws, IX., 267.)

ORDER APPOINTING A HEARING ON THE PETITION OF COL. BENJAMIN CHURCH FOR THE ESTABLISHMENT AND SETTLEMENT OF THE LINE OF THE ANCIENT FREEMEN'S LANDS ON TAUNTON RIVER, GRANTED BY THE LATE COLONY OF NEW PLYMOUTH, TIVERTON AND FREETOWN TO BE NOTIFIED.

Legislative  
Records of the  
Council,  
ix., 244.

Mass.  
Archives,  
xlv., 389-396.  
Plymouth  
Colony  
Records,  
iii., 215, 216;  
iv., 18, 19.

UPON READING A PETITION of Collonel Benjamin Church Praying for an Establishment & Settlement of the Line of the ancient Free Mens Lands lying on Taunton River by Grant from the Government of the late Colony of New Plimouth;

*Ordered* that the Petitioner serve the Towns of Tiverton & Freetown with a Copy of this Petition & that they be notified to make Answer thereto on the first Fryday of the next Session of this Court. [*Passed November 7, 1712.*]

## CHAPTER 135.

(Province Laws, IX., 272.)

ORDER ERECTING THE WEST PRECINCT IN WATERTOWN, COMMONLY CALLED THE FARMS, INTO A TOWNSHIP TO BE CALLED WESTON, SUBJECT TO THE RESERVATIONS AND SAVINGS MADE BY WATERTOWN IN SETTING OFF THE SAID LANDS.

Legislative  
Records of the  
Council,  
ix., 250.

Province  
Laws, ix., 264,  
chap. 107.

UPON READING A PETITION of Francis Fulham Josiah Jones & Daniel Eastabrook a Committee of the West Precinct in Watertown commonly called the Farms, Praying that (having the Consent of the Town therefore) they be granted to be a distinct Township, to Enjoy the Privileges & Immunities w<sup>ch</sup> other Towns do & may by Law Enjoy.

*Ordered* that the Prayer of the Petition be granted, And that the West Precinct in Watertown commonly called by the Name of the Farms be erected & made into a Township, to contain all the Land and Farms within these Limits & Boundaries following, That is to say, To extend from Charles River to Stony Brook bridge, & from the said Bridge up the Brook Northerly to Robert Harrington's Farm, And the Brook to be the Boundary including the said Farm, & comprehending all the Farms & Farm Lands to the Lines of Cambridge & Concord, & from thence all Watertown Lands to their utmost Southward & Westward Bounds, The Town to be named Weston, Subject nevertheless to the Reservations & Savings made by the Town of Watertown in their Setting off the said Lands; And further granted that the Inhabitants of Weston have use & exercise all such Powers Privileges & Immunities, as other Towns have & do by Law use & enjoy, as to the Choice of Town Officers, Allotting out Lands, Raising of Taxes & for Ordering of other Town Affairs. [*Passed January 1, 1712*[-13].]

<sup>1</sup> Stackpole, Old Kittery and her families, p. 189.



## CHAPTER 141.

(Province Laws, IX., 274.)

ORDER APPOINTING JOHN APPLETON, ESQ., AND OTHERS, A COMMITTEE TO CONSIDER THE PETITION OF THE INHABITANTS OF ROYAL SIDE, PARTS OF SALEM AND BEVERLY TO BE MADE A PRECINCT FOR THE PUBLIC WORSHIP OF GOD, AT THE CHARGE OF THE PETITIONERS.

IN THE AFFAIR of the Inhabitants of Salem living on Royal Side so called, with some of Beverly & Salem Village Petitioners for a Precinct for the publick Worship of God depending before this Court;

Legislative  
Records of the  
Council,  
ix., 254.

*Ante*, p. 809,  
chap. 85.

*Ordered* that John Appleton, Thomas Noyes & Samuel Brown Esq<sup>rs</sup> nominated by the Council, John Burrill & Samuel Appleton Esq<sup>rs</sup> M<sup>r</sup> Cutting Noyes & M<sup>r</sup> James Parsons named by the House of Representatives be a Committee to go upon the Place at the Appointment of the Chair Man & to hear all Parties & enquire of their Powers & Abilities & of all Circumstances & Conveniences for the Benefit of a Precinct, & of other Things as they shall see meet, And report their Doings to this Court in their next Session The Petitioners to bear the Charge of the Comm<sup>tee</sup>. [*Passed January 5, 1712*[-13].

## CHAPTER 143.

(Province Laws, IX., 275.)

ORDER THAT THE FARMS OR NORTHERN PRECINCT IN CAMBRIDGE BE MADE A SEPARATE AND DISTINCT TOWN BY THE NAME OF LEXINGTON UPON THE ARTICLES AND TERMS ALREADY AGREED ON WITH THE TOWN OF CAMBRIDGE, AND DIRECTING THE CONSTABLE OF SAID PRECINCT TO SUMMON THE INHABITANTS TO CHOOSE TOWN OFFICERS.

WHEREAS upwards of twenty Years<sup>1</sup> since the Inhabitants or Farmers dwelling on a certain Tract of Out Lands within the Township of Cambridge within the County of Middlesex being remote from the Body of the Town towards Concord obtained Leave from the Gen<sup>l</sup> Court with Approbation of the Town to be a Hamlet or separate Precinct and were sett off by a Line, Viz: Beginning at the first Run of Water or swampy Place, over which there is a kind of Bridge in the Way or Road on the Southerly Side of Francis Whitmores House, towards the Town of Cambridge afore said, a cross the Neck of Land lying between Woburn Line & that of Watertown Side upon a South West & North East Course commonly called the Northern Precinct, And being now increased have obtained Consent of the Town & made Application to this Court to be made a separate & distinct Town, upon such Terms as they and the Town of Cambridge have agreed upon;

Legislative  
Records of the  
Council,  
ix., 258.

Legislative  
Records of the  
Council,  
vi., 205.

That is to say that the said Northern Precinct when made a Township shall bear such a Part of the two Thirds of the Charge of the Great Bridge over Charles River in Cambridge, as shall be according to their Proportion with the Town of Cambridge annually in the Province Tax, And they shall annually pay to the Treasurer of the Town of Cambridge their Part of the Charges as aforesaid;

And such other Articles as the said Town & the Precinct have already agreed on by their Committees;

<sup>1</sup> Dec. 15, 1691, Legislative Records of the Council, vi., 205.



*Ordered* that the afore said Tract of Land known by the Name of the Northern Precinct in Cambridge be henceforth made a separate & distinct Town by the Name of Lexington upon the Articles & Terms already agreed on with the Town of Cambridge, And that the Inhabitants of the said Town of Lexington be entitled to Have, Use, Exercise & Enjoy all such Immunities Powers & Privileges as other Towns within this Province have & do by Law use exercise & enjoy;

And the Constable of the said Precinct is hereby directed & impowered to notify & summon the Inhabitants duly qualified for Voters to assemble & meet together for the Choosing of Town Officers [*Passed March 20, 1712*[-13].

## CHAPTER 146.

(Province Laws, IX., 276.)

ORDER APPOINTING JOHN WHEELWRIGHT, ESQ., AND OTHERS, A COMMITTEE TO CONSIDER THE PETITION OF UPPER KITTERY IN THE PARISH OF BERWICK TO BE MADE A TOWNSHIP.

Legislative  
Records of the  
Council,  
ix., 261.

*Ante*, p. 811,  
chap. 109.

UPON READING A PETITION of Upper Kittery in the Parish of Berwick, Praying to be made a Township;

*Ordered* that John Wheelwright & Thomas Noyes Esq<sup>rs</sup> with Cpt. Lewis Bane be a Committee to repair to Kittery, Giving Notice before Hand of their Coming to the Select Men that they may attend them & hear their Allegations and Objections (if any they have) Why the Prayer of the Petition may not be granted, Mr Wheelwright to appoint the Time of Meeting, And to make their Report to this Court on the second Wednesday of their Session in May next. [*Passed March 20, 1712*[-13].

## CHAPTER 152.

(Province Laws, IX., 279.)

RESOLVE ENFORCING THE ORDER OF NOVEMBER LAST FOR THE SUPPORT OF THE MINISTRY OF THE EAST AND MIDDLE PRECINCTS IN WATERTOWN, ACCEPTED AND CHEERFULLY SUBMITTED TO BY THE AUDITORY OF THE EASTERLY CONGREGATION, BUT VERY UNMANNERLY AND UNDUTIFULLY TREATED AND REJECTED BY THE SELECTMEN AND OTHERS OF SAID TOWN, AND APPOINTING THE HON. WILLIAM TAILER, ESQ., AND OTHERS, A COMMITTEE TO CONSIDER A LINE OF DIVISION IN ORDER TO ITS BEING DIVIDED INTO TWO TOWNSHIPS, IN CASE DUE OBEDIENCE BE NOT BEFORE THAT GIVEN.

Legislative  
Records of the  
Council,  
ix., 266.

Province  
Laws, ix., 264,  
chap. 107.  
*Ante*, p. 808,  
chap. 72.

UPON CONSIDERATION of the unhappy Circumstances of the Town of Watertown and their Disagreement about the Method for Support of the Ministry of the two several Congregations in the said Town, Particularly referring to the Method directed & prescribed by this Court at their Session in October last by an Assessment to be made upon the Town in General as judged the most just equal and effectual Way & most conducive to the Peace of the Town, W<sup>ch</sup> is thankfully accepted & cheerfully submitted to by the Auditory of the Easterly Congregation but very unmannerly & undutifully treated & rejected by the Select Men & others of the said Town, W<sup>ch</sup> deserves a just Animadversion;

*Resolved* that the aforesaid Advice & Direction be enforced And it is expected that due Regard & Observance be yielded thereto



But lest by Means of the Obstinacy of some, that wholesome advice of a reasonable & just Method should be prevented & the Ministry fail of their necessary & honourable Support; The honourable William Tailer Esq<sup>r</sup> John Higginson & Andrew Belcher Esq<sup>rs</sup> of y<sup>e</sup> Council, And M<sup>r</sup> William Denison Major Thomas Fitch, Maj<sup>r</sup> Samuel Thaxter and Captain Samuel Phipps of the Representatives and nominated by that House be and are appointed a Committee forthwith to repair to Watertown to take a View & Survey of the said Town, Consider of and Project a Line of Division by as near an Equality as may be with Respect to Estates, And report the same to this Court at their Session in May next for their Consideration in Order to its being divided & made into two Townships; In Case due Obedience be not before that given to the aforementioned Direction & Method prescribed.

The Select Men of Watertown to be served with a Copy thereof.  
[Passed March 25, 1713.]

## CHAPTER 154.

(Province Laws, IX., 280.)

VOTE ACCEPTING THE FAVORABLE REPORT OF THE COMMITTEE ON THE PETITION OF ROYAL SIDE, SALEM VILLAGE AND PART OF BEVERLY TO BE A PRECINCT, SAVING TO ANY PERSONS INCLUDED WITHIN THE SAID LINES LIBERTY TO BE HEARD BY THIS COURT AT THE SESSION MAY NEXT.

A REPORT OF THE COMMITTEE appointed by the Great & General Court in December Session 1712: on the Affair of Royal Side Men belonging to Salem & the Village & Part of Beverly, Petitioners for a Precinct for the Publick Worship of God;

Legislative  
Records of the  
Council,  
ix., 267.

On the twenty fourth of February the Committee mett at the Time appointed, And viewed the Place for Setting the Meeting House & heard all Parties, And enquired into their Powers & abilities and of all their Circumstances & Conveniences &c

Ante, p. 813,  
chap. 141.

We do humbly offer our Opinions to your Excellency [Joseph Dudley]<sup>1</sup> & honourable Court that the Lines mentioned in the Petition are reasonable & suitable for a Precinct, only in Salem Village Line, That all the Land that lies to the Eastward of Frost Fish River as it runs from the Salt Water into the Land till it comes near to a Bound Tree (a White Oak) in the Line betwixt Salem & Wenham, the said Tree stands in John Herricks Land; to run from the said Tree with a West Line to the said River, is to be the Bounds on that Side.

That the Inhabitants living within the said Boundaries are of Power & Ability to build a Meeting House for the Publick Worship of God & to maintain & support a learned Orthodox Minister, And that the Place propounded by the aforesaid Petitioners; Viz, near Jabez Bakers is a very suitable Place for Erecting a Meeting House, No Person within the said Lines living more than two Miles & an half from the said Place.

Upon Hearing the Parties concerned, We find that there are several of the Inhabitants of Beverly do oppose & are not willing to join with them, & leave their Minister M<sup>r</sup> [Thomas]<sup>2</sup> Blowers, tho' it be much further for them to go to Meeting.

Thus submitting our Opinion to your Excellencies & honoured Courts Wisdom & Judgem<sup>t</sup>

JOHN APPLETON in Behalf of the Comm<sup>tees</sup>

<sup>1</sup> Province Laws, ix., 283.

<sup>2</sup> Stone, History of Beverly, p. 224.



Read in Council &  
*Voted* an Acceptance, Saving to any Persons included within the said Lines a Liberty to be heard at the Session of this Court in May next as to their Objections.  
 Concur'd by the Repres<sup>ves</sup>. [*Passed March 25, 1713.*]

## CHAPTER 2.

(Province Laws, IX., 285.)

VOTE ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF EDWARD BABBET AND OTHERS TO PURCHASE COUNTRY LANDS LYING BETWEEN REHOBOTH AND TAUNTON, THAT THERE ARE NO COUNTRY LANDS THERE BUT IT IS ALL INCLUDED WITHIN THE GRANTS AND BOUNDS OF TAUNTON, REHOBOTH, SWANSEA, NORTON AND DIGHTON, WHOSE LINES HAVE BEEN PERAMBULATED, EXCEPTING EIGHT OR NINE HUNDRED ACRES HELD BY MR. SAMUEL BRADFORD AND OTHERS IN THE RIGHT OF GOV. WILLIAM BRADFORD, DECEASED, SAVING THE RIGHT OF ANY OF SAID TOWNS IN SAID BRADFORD GRANT.

Legislative  
 Records of the  
 Council,  
 IX., 276.

*Ante*, p. 804,  
 chap. 22.

THE REPORT OF THE COMM<sup>tees</sup> to enquire after Countrey Lands lying betwixt Rehoboth & Taunton as follows: Viz,

Whereas the Great & General Court begun & held at Boston May 28 1712, upon the Petition of Edward Babbet Timothy Halloway & others Inhabitants of Taunton relating to some Countrey Lands which they informed were lying in the County of Bristol between the Towns of Rehoboth & Taunton, The said Court did order & appoint us Isaac Winslow Nath<sup>l</sup> Payne, John Cushing, Seth Arnold & William Southworth to be a Committee to go upon & view the said Lands and make Report thereon to the said Court, And thereupon We the said Committee pursuant to the said Order on the said twentieth Day of May at Taunton afore said mett with the said Petitioners & the Select Men or Agents of the adjacent Towns (to wit) Taunton Rehoboth Swansey, Norton & Dighton, but the Weather being such that We could not go into the Woods & view the said Lands, We viewed & examined the Grants of the sev<sup>ll</sup> Towns afore said, & heard the Pleas & Allegations of the Parties concerned & Evidences relating to the same, And are humbly of Opinion that there remains no Countrey Lands there, But it is all included within the Grants & Bounds of the sev<sup>ll</sup> Towns aforesaid And the Lines & Bounds between the said Towns have been perambulated accordingly as the Law directs, Excepting a certain Tract of Land lying between Dighton & a Part of Rehoboth & a Part of Taunton and to the Southward of the Town of Norton of about Eight or nine Hundred Acres (as we are informed) W<sup>ch</sup> M<sup>r</sup> Samuel Bradford M<sup>r</sup> Jared Talbot, Abel Burt & John Tisdale claim & hold by a Deed from Major William Bradford Esq<sup>r</sup> Dec<sup>d</sup> upon his Right to the same by Vertue of the Patent for the Lands within the Limits of the late Colony of New Plimouth granted to his Father the Hon<sup>ble</sup> William Bradford Esq<sup>r</sup> Dec<sup>d</sup> some Time Governour of the said Colony his Heirs Associates & Assigns.

ISAAC WINSLOW	JOHN CUSHING
NATH <sup>ll</sup> PAYNE	W <sup>m</sup> SOUTHWORTH

Read & Accepted by the Council  
 Saving the Right which any Town may have to the Eight or Nine Hundred Acres of Land above mentioned.  
 Agreed to by the Repres<sup>ves</sup>. [*Passed May 29, 1713.*]



## CHAPTER 5.

(Province Laws, IX., 286.)

VOTE DECLARING THAT AN AUDIENCE IS NECESSARY ON THE WEST SIDE OF THE CHARLES RIVER IN MEDFIELD AND APPOINTING PENN TOWNSEND, ESQ., AND OTHERS, A COMMITTEE TO CONSIDER THE PROPEREST PLACE FOR SETTING UP A MEETING-HOUSE AND THE BOUNDS FOR THE NEW PRECINCT.

UPON THE PETITION of the Inhabitants on the West Side of Charles River in Medfield for the Ministry & a School on that side of the River.

Legislative  
Records of the  
Council,  
ix., 278.

*Voted* that an Audience is necessary on the West Side of the River & that Penn Townsend Edward Bromfield & Ephraim Hunt Esq<sup>s</sup> with such as shall be named by the Representatives be a Committee to repair to Medfield, view the Ground on that Side of the River & Consider of the properest Place for the Setting up a Meeting House and Report the same, The Petitioners to bear the Committees Charge.

Legislative  
Records of the  
Council,  
ix., 275, 276.  
*Ante*, p. 805,  
chap. 25.

Concurred by the Representatives: And Edmund Quincey, Thomas Oliver & Thomas How Esq<sup>s</sup> are joined in the Affair, And that it be an Instruction to the Committee to view the Town, Consider its Scituation, and Report what Bounds they think most proper for the new Precinct for the Confirmation of this Court. [*Passed June 2, 1713.*]

## CHAPTER 6.

(Province Laws, IX., 286.)

ORDER APPOINTING JOSEPH PARSONS, ESQ., AND OTHERS, A COMMITTEE ON THE PETITION OF WESTFIELD FOR AN ADDITIONAL GRANT OF LAND IN THE BOW OF WEST MOUNTAIN, TO REPORT THE QUANTITY, QUALITY AND THE REASONABLENESS OF SAME.

UPON READING A PETITION of John Ashley in Behalf of the Inhabitants of Westfield, Praying for an Additional Grant of Land of their Township in the Bow of the Mountain called the West Mountain upon which their ancient Bounds are fixed;

Legislative  
Records of the  
Council,  
ix., 278.

[*Ordered*] That Joseph Parsons, Samuel Porter & Luke Hitchcock Esq<sup>s</sup> be a Committee to view the Land petitioned for & Report the Quantity & Quality thereof to this Court as soon as may be, And whither they judge it reasonable that there be a Grant thereof as the Petitioner prays. [*Passed June 2, 1713.*]

## CHAPTER 7.

(Province Laws, IX., 286.)

ORDER APPOINTING ELISHA HUTCHINSON, ESQ., AND MR. SECRETARY ADDINGTON, COMMISSIONERS ON BEHALF OF THIS PROVINCE TO MEET MR. WILLIAM PITKIN AND COL. WILLIAM WHITING, COMMISSIONERS ON BEHALF OF THE COLONY OF CONNECTICUT, TO SETTLE AND ADJUST THE WHOLE MATTER OF THE LINE BETWEEN THIS PROVINCE AND THAT COLONY AND ALL PARTICULAR CLAIMS BORDERING UPON IT.

UPON READING A LETTER from the Honourable Governour [Gurdon]<sup>1</sup> Saltonstall of Connecticutt of the twenty sixth past importing that the General Court of that Colony have delegated full Power to Commissioners to settle & adjust the whole Matter

Legislative  
Records of the  
Council,  
ix., 280.

*Ante*, p. 764,  
chap. 60a.

<sup>1</sup> Connecticut Register and Manual.



of the Line & all particular Claims bordering upon it, with such Commissioners as should be appointed for that Service by this Government, withal intimating that Mr [William]<sup>1</sup> Pitkin & Coll. [William]<sup>1</sup> Whiting would be the Persons;

*Ordered* that Elisha Hutchinson Esq<sup>r</sup> & Mr Secretary [Isaac]<sup>2</sup> Addington be Authorized & Impowered as Commissioners to act in Behalf of this Province in Settling the Line between Connecticut and them. [*Passed June 2, 1713.*]

## CHAPTER 8.

(Province Laws, IX., 287.)

VOTE ACCEPTING THE REPORT OF SAMUEL THAXTER AND JACOB TOMSON LOCATING THE ANGLE TREE OF 1664 AND ESTABLISHING THE PATENT LINE FROM THENCE TO ACCORD POND, A DISTANCE OF TWENTY-FIVE MILES AND A HALF AND TWENTY RODS.

Legislative  
Records of the  
Council,  
ix., 280.

Mass.  
Archives,  
iii., 132.  
Mass. Bay  
Records, iv.,  
part ii., 11, 114.  
*Ante*, p. 809,  
chap. 83.

PURSUANT TO AN ORDER of the General Assembly at their Session in October 1712, We Samuel Thaxter & Jacob Thompson [Tomson]<sup>3</sup> having notified the several Towns concerned met at the House of Mr Dogget in Attleborough on the fourth of May 1713; And from thence on the next Day we proceeded to Wrentham to find out Angle Tree, And having found a White Oak Tree that had been anciently marked and having several Letters on it that we judged had been anciently sett thereon, And having the Confirmation of several ancient Men, That that was the Tree called Angle Tree and had been so called for many Years past, & that they never knew or heard of any other Tree so called, as also other concurring Circumstances give us just Ground to beleive & conclude the said Tree to be the same that was formerly in the Year 1664 stated & called Angle Tree by the Committee appointed by the Colonys of the Massachusetts and Plimouth; & from the said Tree we proceeded to find out the Middle of Accord Pond, And having found the same, Mark'd a small Black Oak Tree & put Stones about it, and having wrought the Course found it to run West seventeen Degrees & an Half Southerly; Upon which Line we made several Marks as followeth, The first Mark is a White Oak Tree on each Side of the Road, leading from Weymouth to Abingdon The next Bounds is an Heap of Stones in the Line between Dorchester and Braintree nigh to a Beach Tree, The next is a White Oak Tree on the West Side of the Road that goes from Braintrey to Bridgewater with stones about it, The next is a Black Oak Tree on the West Side of Bever Brook, The next is a Heap of Stones on a great Rock about forty or fifty Rods to the East of Dorchester Meadow Brook, The next is a Black Oak mark'd about eighteen Rods to the South West of Jeremiah Willis's House, The next is a great hollow Black Oak mark'd with Stones about it on the West Side of the Plain that is on the West Side of Quantacket Cedar Swamp, The next is a small White Oak on the East Side of Tryumph Plain between the Plain & the Brook, The next is a Horne-bane Tree standing in the Meadow Ground to the North West of Lieutenant Brentons House, the next is a Heap of Stones on the East Side of the Plain on the West Side of Tan hill Cedar Swamp, The next is a Heap of Stones by the Road that leads to Norton, The next is a Heap of Stones on the West Side of the Road near the House of Ephraim Shelden, The next is a Maple Tree on the West Side of the River called the Ten Mile River, The next is a Heap of Stones

<sup>1</sup> *Post*, p. 825, chap. 82.

<sup>2</sup> Province Laws, ix., 283.

<sup>3</sup> Mass. Archives, cxiii., 635.



upon a high Rock on a Rocky Hill and so by marked Trees to Angle Tree above said; And all the Trees upon the Line above said from Accord Pond to Angle Tree above said that we mark'd We made a Cross on the East & West Side of them; The whole Length of the Line from Angle Tree to Accord Pond, We found to be twenty five Miles & an Half & twenty Rods; We concluded the Work abovesaid the eleventh Day of May 1713: The Gentlemen that appeared for Attleborough & Norton would not own the Tree & refused to be concerned in Running the Line.

SAM<sup>LL</sup> THAXTER  
JACOB TOMPSON <sup>1</sup>

[In Council]

Read & Accepted, the Province to bear the Committees Charge.  
Concurred by the Representatives. [*Passed June 2, 1713.*]

## CHAPTER 11.

(Province Laws, IX., 287.)

VOTE ACCEPTING THE REPORT OF THE COMMITTEE FOR THE ESTABLISHMENT AND SETTLEMENT OF THE LINE OF THE ANCIENT FREEMEN'S LANDS ON TAUNTON RIVER, NOW CALLED FREETOWN, AND THE POCASSET LANDS, NOW CALLED TIVERTON, CONFIRMING THE LINE AND BOUNDS ANCIENTLY BETWEEN SAID TWO GRANTS AS NOW THE LINE BETWEEN SAID TOWNS AND DECLARING THAT THE LINE LATELY MADE AND RENEWED RANGING SOUTH-WEST AND BY WEST DOWN TO THE RIVER IS A VARIATION OF THE TRUE BOUNDS AND A BREACH UPON THE ANCIENT GRANTS AND SETTLEMENTS.

WHEREAS the Great & Gen<sup>ll</sup> Court or Assembly for this Province at their Sessions held at Boston December the 3<sup>d</sup> 1712, Upon the Complaint & Petition of Collonel Benjamin Church of an Infraction made upon the Line & Bounds between the Lands granted by the late General Court of Plimouth to the ancient Free Men now called Freetown & the Pocasset Lands by said late General Court granted to Plimouth Men now called Tiverton, Did appoint & order us the Subscribers to be a Committee to go upon the Place & view & examine the Records & Papers & hear the Allegations of the sev<sup>ll</sup> Parties, & Inquire & Observe what Infraction is made upon the Grants & Settlements formerly made in that Respect by the Government; Thereupon We the said Committee pursuant to the aforesaid Order repaired to the Place aforesaid, And having viewed the said Line & Bounds between the said Grants or Towns of Tiverton & Freetown, & Examined the Records & Papers, and heard the Evidences given in & the Allegations of the Parties relating to the same, Do find & are humbly of Opinion that the Line & Bounds anciently between the said two Grants, & so now between the said two Towns of Freetown & Tiverton, Which was & is beginning at a great Cleft Rock near the Fall River on the North-erly Side thereof, and by & near the Path & from thence ranging East South East into y<sup>e</sup> Woods to the Extent of the said Free Mens Grant, & from said Rock downwards West North West till it comes to the Fall River, and from thence by the said Fall River till it comes to Taunton River, Was & is the true Bounds between the said two Grants & also between the said Towns as it hath been anciently settled by the Agents of the ancient Free Men afore said & the Agents of the Proprietors of the said Pocasset Lands & the late Government of Plimouth, And again further Confirmed by the Committee sent by the General Court of this Province and the said Courts Acceptance & Confirmation of their Report & Return,

Legislative  
Records of the  
Council,  
ix., 282.

Plymouth  
Colony  
Records,  
iii., 215, 216;  
iv., 18, 19.  
*Ante*, p. 812,  
chap. 117.

<sup>1</sup> Tomson, Mass. Archives, cxiii., 635.



And that the Line lately made & renewed ranging South West & by West down to the said River is a Variation from the true Bounds & a Breach upon the ancient Grants & Settlements made by the Governm<sup>ts</sup> afore said.

ISAAC WINSLOW	SETH ARNOLD
JOHN CUSHING	JOHN BARKER
JAMES WARREN	EDW <sup>d</sup> FOBES
SAM <sup>LL</sup> THAXTER	

Read & Accepted in Council saving the Rights & Properties of particular Persons to be determined by the Common Law.  
Concured by the Representatives. [*Passed June 3, 1713.*]

## CHAPTER 12.

(Province Laws, IX., 287.)

ORDER APPOINTING JOHN APPLETON, ESQ., AND OTHERS, COMMISSIONERS TO MEET SUCH AS SHALL BE APPOINTED BY NEW HAMPSHIRE TO AGREE UPON SUCH PERSONS AND FAMILIES BY NAME AS SHALL PAY TAXES WITHIN EACH OF SAID GOVERNMENTS UNTIL THE LINE IS REGULARLY AND ORDERLY SETTLED, THAT THE BORDERERS MAY NOT BE OPPRESSED BY DOUBLE TAXES.

Legislative  
Records of the  
Council,  
ix., 283.

Provincial  
Papers of New  
Hampshire,  
iii., part ii.,  
548-549.  
*Ante*, p. 761,  
chap. 21.

FOR QUIETING the present Disputes betwixt the Borderers upon the Bound Line of this Province & the Province of New Hampshire & y<sup>e</sup> Demand of Taxes from them by the Governm<sup>ts</sup> of the sev<sup>ll</sup> Provinces afore said.

*Ordered* that John Appleton, John Higginson & Thomas Noyes Esq<sup>rs</sup> be Commissioners on the Part of this Government with such as shall be appointed on the Part of the Government of New Hampshire to go upon the Place & agree upon such Families and Persons by Name, who shall be considered as present Inhabitants & pay Taxes within the said respective Governments untill the Bound Line betwixt them be regularly & orderly stated & settled; That her Majesties [Queen Anne's]<sup>1</sup> Subjects be not oppressed by Paying of double Taxes. [*Passed June 3, 1713.*]

## CHAPTER 19.

(Province Laws, IX., 290.)

VOTE CONFIRMING ADDITIONS TO THE COMMITTEE TO REGULATE BROOKFIELD, JOSEPH HAWLEY, ESQ., AND LIEUT. JOHN HITCHCOCK BEING DEAD, AND DEACON MEDAD POMROY MUCH INCAPACITATED BY AGE AND INFIRMITIES, SAID COMMITTEE TO PRESENT AN ACCOUNT OF THEIR PROCEEDINGS, THE CIRCUMSTANCES OF THE PLANTATION AND ITS CAPACITY TO BE A TOWNSHIP AT THE FALL SESSION.

Legislative  
Records of the  
Council,  
ix., 288.

*Ante*, p. 667,  
chap. 2.

THE COMMITTEE for Brookfield by the Death of Joseph Hawley Esq<sup>r</sup> and Lieut. John Hitchcock being much weakened, I humbly propose that the said Committee being now only Coll: [John]<sup>2</sup> Pyncheon, Deacon Pomroy & my self (And Deacon Pomroy being much incapacitated by age and Infirmities) That there be an Addition to said Committee of Samuel Porter Esq<sup>r</sup> M<sup>r</sup> Ebenezer Pomroy & M<sup>r</sup> Luke Hitchcock, also for a Clerk M<sup>r</sup> Joseph Hawley:  
SAM<sup>LL</sup> PATRIDGE,<sup>3</sup> of s<sup>d</sup> Comm<sup>tee</sup>

<sup>1</sup> Whittaker's Almanack, 1920, p. 115.

<sup>2</sup> *Ante*, p. 667, chap. 2.

<sup>3</sup> Partrigg, *ante*, p. 667, chap. 2.



Read & the Persons accepted: And the Committee to be established accordingly: Concurred by the Representatives with the following Addition, which the Council agree to, Viz, The Committee to present an Account of their Proceedings & of the Circumstances of the Plantation, and its Capacity to be Constituted a Township to this Court at their Session in the Fall of the Year. [*Passed June 6, 1713.*]

## CHAPTER 22.

(Province Laws, IX., 291.)

ORDER ADDING AND CONFIRMING TO THE TOWN OF LANCASTER A TRACT OF LAND PURCHASED FROM GEORGE TAHANTO, AN INDIAN SAGAMORE, WHICH IS ROCKY AND MOUNTAINOUS AND VERY POORLY ACCOMMODATED WITH MEADOWS.

WHEREAS we the subscribers Namely Jonathan Prescott John Farnworth and Sam<sup>l</sup> Jones are a comety Appointed to vew a tract of Land Petitioned for by y<sup>e</sup> Inhabitants of Lancaster [who purchased same from George Tahanto, an Indian Sagamore]<sup>1</sup> and to make Report theireof to the Generall Court or Assembly for their farther Consideration and we have Accordingly been upon y<sup>e</sup> Spott . . . and proseded their upon as foloweth

Legislative  
Records of the  
Council,  
ix., 285.  
Mass.  
Archives,  
cxiii., 633, 634.  
*Ante*, p. 793,  
chap. 11.

Imp<sup>r</sup> we began at y<sup>e</sup> northwest Corner of the proper Bounds of Lancaster Plantation and from thence Run a Line upon a north-west point or neer theirabouts along by y<sup>e</sup> Southwest Sides of mashapauge & unkachewalunck ponds Extending said line three miles & from thence we mads an angle Runing neer upon a South west poynt Crosing a River Caled y<sup>e</sup> north River & so Ranging along over Hills Caled manosck Hils S<sup>d</sup> Line being about Six mils in length till it meets with y<sup>e</sup> middle branch of lancaster River at or neer a litel Hill on which y<sup>e</sup> Indians had marked a tree for a Corner of Said Land Being neer five mils wide at the Southerd End bounded partly by the River & partly by Cap<sup>tn</sup> Devnports farm to the South west corner of Lancaster old bounds the land In Cluded with in thes lines is Rockey and mountenous and very poorly acomadated with medow.

JONATHAN PRESCOTT  
SAM<sup>LL</sup> JONES  
JOHN FARNWORTH

In the House of Representatives mar: 20: 1711.

*Ordered* That the Tract of Land as Above Described be added & Confirmed to the Town of Lancaster, as part of that Township In Council Read

In the House of Representatives, Octo<sup>r</sup> 25<sup>th</sup> 1712.

*Ordered* That the Vote of this House abovewritten be revived

In Council June 5, 1713 Read and

*Ordered* that the Tract of Land as within described be added and confirmed to the Town of Lancaster as part of that Township; not prejudicing any former Grants.

In the House of Representatives

Read & Concurr'd. [*Passed June 8,<sup>2</sup> 1713.*]

<sup>1</sup> *Ante*, p. 793, chap. 11.

<sup>2</sup> This date is June 5, according to Legislative Records of the Council.



## CHAPTER 23.

(Province Laws, IX., 291.)

RESOLVE DECLARING TUCKANNOCK ISLAND A SPUR OF NANTUCKET ISLAND, WITHIN ITS JURISDICTION AND BELONGING TO ITS INHABITANTS, BEING SEPARATED FROM THE MAIN ISLAND BY NARROW WATER, FORDABLE AT TIMES, AND FROM MARTHA'S VINEYARD BY A WIDE SEA OF OVER TWENTY MILES, THE COURTS, JUSTICES AND OFFICERS OF DUKES COUNTY TO CONFORM THEMSELVES ACCORDINGLY.

Legislative  
Records of the  
Council,  
ix., 289.

Legislative  
Records of the  
Council,  
ix., 286.  
*Ante*, p. 810,  
chap. 97.

UPON THE HEARING had before this Court on the fifth Currant betwixt James Coffin of the Island of Nantucket Esq<sup>r</sup> in Behalf of him self & others Proprietors of a certain Island called Tuckannock lying near adjoining to the Island of Nantucket, & the Agent for Marthas Vineyard in Dukes County upon the Challenge of the Jurisdiction of the said Island as appertaining to Dukes County;

[*Resolved*] That Tuckannock is well understood to be a spur or Part of the Island of Nantuckett, & is so to be accounted, & within the Jurisdiction of the Governm<sup>t</sup> there established, All the Soil thereon belonging to the Inhabitants of Nantucket, And is separated from the main Island only by a narrow Water fordable at some Times but divided from Marthas Vineyard or Dukes County by a wide Sea of more than twenty Miles over: And the Courts & Justices, & all other Officers in Dukes County are commanded to take Notice of this Resolve & conform them selves accordingly. [*Passed June 8, 1713.*]

## CHAPTER 31.

(Province Laws, IX., 293.)

ORDER ACCEPTING WATERTOWN'S SUBMISSION TO THE ADVICE AND DIRECTION OF THIS COURT FOR THE SUPPORT OF THEIR MINISTRY AS A GOOD AND LEGAL VOTE, THOUGH ON A DIVISION THOSE IN THE NEGATIVE REFUSED TO MOVE UP THE GALLERY, THE SAME TO BE DULY OBSERVED, PUT IN EXECUTION AND PRACTISED, AND SUPERSEDING THE ORDER DIRECTING THE DIVISION OF THE SAID TOWN.

Legislative  
Records of the  
Council,  
ix., 291.

Legislative  
Records of the  
Council,  
ix., 275, 280.  
Province Laws,  
ix., 264, chap.  
107.  
*Ante*, p. 814,  
chap. 152.

AT A GENERAL TOWN MEETING of the Inhab<sup>ts</sup> of Watertown June 8, 1713: to Consider of the Advice & Direction of the Gen<sup>l</sup> Court given at their Session in November the fourth 1712, Referring to the Support of the Ministry in Watertown & to enforce the same, After Reading of said Advice & Direction of the Gen<sup>l</sup> Court; Voted a Submission to the Hon<sup>ble</sup> Gen<sup>l</sup> Courts Advice, And Direction to be practiced & put in effectual Execution, and is esteemed by the Moderator to be a Major Vote of the Town, But some Persons questioning the Majority of the Vote, It was ordered by the Moderator that those of the Negative should move up the Gallery, but not one Person would move up the Gallery, And therefore it is esteemed by the Moderator to be a Major Vote of the Town; As Attest: Caleb Church Moderator of said Town Meeting, And is entered in Watertown third Book of Records.

SAM<sup>LL</sup> STEARNS Town Clerk.

Upon Reading the above written Vote of Watertown presented by M<sup>r</sup> Caleb Church Moderator & Representative for the Town, of their Submission to the Advice & Direction of this Court of the Date therein mentioned;



*Ordered* that the said Vote be accepted as a good & legal Vote and that the afore said Advice & Direction of this Court be duely observed & effectually put in Execution, and practiced by the Town of Watertown accordingly, And that the Order directing the Division of Watertown into two Towns be thereupon superseded. [*Passed June 9, 1713.*]

## CHAPTER 32.

(Province Laws, IX., 293.)

ORDERS WITHDRAWING AND LAYING ASIDE THE REPORT OF THE COMMITTEE ON KITTERY AND ESTABLISHING THE PRECINCT OF BERWICK AS A SEPARATE TOWN CONTINUING THE NAME OF BERWICK, AND THAT ALL TOWN RIGHTS, COMMON AND UNDIVIDED LANDS REMAIN TO THE FREEHOLDERS OF SAID TOWNS TO BE ALLOTTED AS SHALL BE AGREED ON BY A MAJORITY OF THOSE INTERESTED THEREIN.

FOR A FINAL ISSUE of the Affair of Kittery,

*Ordered* that the Report of the Committee be withdrawn and laid aside, And that the Precinct of Berwick extending from Thompsons Brook upwards be henceforth a distinct & separate Town and have & enjoy all Immunities & Priviledges as other Towns have & do by Law enjoy, Continuing the Name of Berwick; And

*Ordered* that all the present Town Rights & common & undivided Lands do yet remain to the Freeholders & Proprietors of Kittery & Berwick as before their Separation to be allotted & divided to & among the whole Propriety at such Time & in such Way & Manner as shall be agreed on by the Major Part of the Interested as the Law directs. [*Passed June 9, 1713.*]

Legislative  
Records of the  
Council,  
ix., 292.

*Ante*, p. 814,  
chap. 146.

## CHAPTER 40.

(Province Laws, IX., 296.)

ORDER REVIVING THE VOTE OF NOVEMBER LAST APPOINTING A HEARING ON THE PETITION OF HATFIELD THAT THE GREAT RIVER BE MADE ITS DIVIDING LINE WITH HADLEY, HADLEY TO BE NOTIFIED.

[UPON THE PETITION of Hatfield that the Great River be made its dividing line with Hadley.

*Ordered* That the vote made the first of November 1712 be revived and] that the Petitioners serve the Select Men of Hadley with a Copy of the Petition, that they may shew Cause if any they have why the Prayer thereof may not be granted upon the second Fryday of the Session in the Fall. [*Passed June 11, 1713.*]

Legislative  
Records of the  
Council,  
ix., 295.

*Ante*, p. 810,  
chap. 99.



## CHAPTER 54.

(Province Laws, IX., 300.)

ORDER APPOINTING CAPT. DANIEL FISHER, AND OTHERS, A COMMITTEE TO CONSIDER THE PETITION OF THOMAS DRURY, AND OTHERS, OF FRAMINGHAM TO PURCHASE OR HIRE LAND ENCOMPASSED BY COCHATAWICK PONDS, SHERBORN AND FRAMINGHAM, FROM THE INDIAN PROPRIETORS, TO REPORT THE QUALITY AND QUANTITY THEREOF IN ORDER TO THE LEASING OF WHAT THE INDIANS DO NOT IMPROVE FOR THEIR BENEFIT.

Legislative  
Records of the  
Council,  
ix., 300.

IN ANSWER TO THE PETITION of Thomas Drury Jonathan Rice and others Inhabitants of Framingham, Praying Liberty to purchase or hire of the Indian Proprietors a certain Tract of Land lying adjacent to their Home Lots and encompassed with the Cochatawick Ponds Sherburn & Framingham Lines;

*Ordered* that Cpt. Daniel Fisher Cpt. Joseph Morse and Mr Thomas Sawen be a Committee to go upon the Place perambulate & view the Land petitioned for, and make Report to this Court, of the Quality & Quantity thereof as near as they can judge in Order to the Leasing of it out for the Benefit of the Indians other than what Part thereof they improve them selves. [*Passed June 13, 1713.*]

## CHAPTER 55.

(Province Laws, IX., 300.)

VOTE CONFIRMING A GRANT OF 240 ACRES ON THE WEST SIDE OF MENDON TO JETHRO COFFIN IN RIGHT OF A GRANT TO HIS FATHER PETER COFFIN OF EXETER IN 1672.

Legislative  
Records of the  
Council,  
ix., 277.  
Mass.  
Archives,  
Maps and  
Plans, 3d series,  
iv., 13.

Mass.  
Archives,  
Maps and  
Plans, 3d series,  
iv., 12.  
Mass. Bay  
Records,  
iv., part ii., 538.

A PLATT presented of Two Hundred & Forty Acres of Land lying on the West Side of Mendon laid out by Thomas White Surveyour to Jethro Coffin upon a Grant of y<sup>e</sup> Gen<sup>l</sup> Court made to his Father Peter Coffin of Exeter in the Year 1672 for Confirmation:

[*Voted*] a Confirmation of the Land contained in the Platt so that it Be free from any former Grant. [*Passed June 13,<sup>1</sup> 1713.*]

## CHAPTER 81.

(Province Laws, IX., 309.)

ORDER APPOINTING SAMUEL PARTRIDGE, ESQ., AND OTHERS, COMMISSIONERS ON THE PART OF THIS PROVINCE TO JOIN WITH THE COMMISSIONERS ON THE PART OF THE COLONY OF CONNECTICUT IN RUNNING AND STATING THE PARTITION LINE BETWIXT THEIR RESPECTIVE GOVERNMENTS, PURSUANT TO AN AGREEMENT EXECUTED THE 13<sup>TH</sup> OF JULY LAST BY COMMISSIONERS DULY EMPOWERED TO ADJUST, SETTLE AND FIX THAT LINE, AND ALSO TO RUN AND STATE THE LINES BETWIXT THE TOWNS, TO BE ASSISTED BY SAMUEL THAXTER AND JOHN CHANDLER, ESQUIRES, AS SURVEYORS.

*Ordered* that Samuel Pa[r]<sup>2</sup>tridge John Pynchon & William Dudley Esq<sup>rs</sup> be Commissioners on the Part of this Province to join with the Commissioners appointed or to be appointed on the Part of the Colony of Connecticut in Running & Stating the Partition Line betwixt the respective Governm<sup>ts</sup> of the said Province & Colony Pursuant to an Instrum<sup>t</sup> of Agreem<sup>t</sup> bearing Date the thirteenth

Legislative  
Records of the  
Council,  
ix., 313.

Mass.  
Archives,  
Maps and  
Plans, No. 214.

<sup>1</sup> This date is May 29 in Legislative Records of the Council.

<sup>2</sup> Mass. Archives, cxiii., 532; Province Laws, vii., 332.



Day of July last past executed by Commission<sup>rs</sup> fully impowered by the respective Gen<sup>l</sup> Assemblys of the said two Governments to adjust settle & fix that Line, As also for Running & stating the Lines betwixt the Towns as agreed upon in the said Instrument; Samuel Pa[r]l<sup>t</sup>ridge Esq<sup>r</sup> to appoint the Time & Place of Meeting to attend the said Service & notify the Commissioners of Connecticut thereof; And that Samuel Thaxter & John Chandler Esq<sup>rs</sup> attend the said Commissioners as Surveyours to assist in the said Work. [*Passed August 6,<sup>2</sup> 1713.*]

Province  
Laws, ix., 202,  
chap. 29.  
*Ante*, p. 817,  
chap. 7.

## CHAPTER 82.

(Province Laws, IX., 309.)

RESOLVE DECLARING SATISFACTION WITH THE AGREEMENT MADE WITH THE COLONY OF CONNECTICUT FOR SETTLING THE PARTITION LINE BETWEEN THESE GOVERNMENTS AND GRANTING ELISHA HUTCHINSON AND ISAAC ADDINGTON, ESQUIRES, COMMISSIONERS ON BEHALF OF THIS PROVINCE, 500 ACRES EACH IN THE NIPMUCK COUNTRY FOR THIS AND OTHER FORMER GOOD SERVICES.

To ALL to whom these Presents shall come Greeting: KNOW YE That whereas the South Line of the late Colony of the Massachusetts Bay in New England by Appointm<sup>t</sup> & Direction of the then Governour & Company in the Year one thousand six hundred & forty two, was surveyed & stated by two approved Artists named Woodward & Saffery,<sup>3</sup> taking the Commencem<sup>t</sup> thereof three english miles on the South Part of Charles River, or of any & every Part thereof, agreeable to the Direction of the Royal Charter, or Letters patent granted for that Colony by his Majesty King Charles the first, in the fourth Year of his said Majesty's Reign; and carried on to a certain Station on Connecticut River known by the name of Bissell's House, which for many years was accounted & reputed by the Massachusetts to be the Dividing Line betwixt the said two Governments, supposing the Line to be right; But the Governm<sup>t</sup> of her Majesty's Colony of Connecticut having obtained a Grant or Letters Patent from his Majesty King Charles the second in the Year one thousand six hundred & sixty two, for the Governm<sup>t</sup> & Lands within that Colony, bounded on the North with the South Line of the Massachusetts Plantation some Years after their said Grant, drew the said Line into Question, where it touches on that Colony, as to the right running thereof, and have since that contested the same, By reason or means whereof, the Grants of Lands for Townships bordering thereupon as well as to particular Persons, made by the respective Governments, are controverted, and several Suits at Law have arisen thereabout, and new Trials made of the Line differing one from another.

For a friendly & neighbourly Accomodation, compromising, final issuing & determining of all past Disputes & Controversies relating to the s<sup>d</sup> divisional Line, and for quieting of her Majesty's good Subjects of either Governments in their just Rights & Possessions,

WE Elisha Hutchinson & Isaac Addington Esq<sup>rs</sup> Commissioners appointed on the part of the Province of the Massachusetts Bay; & William Pitkin & William Whiting Esq<sup>rs</sup> Commissioners appointed on the part of the Colony of Connecticut, upon a full discussing

<sup>1</sup> *Ante*, p. 772, chap. 63.

<sup>2</sup> Evidently there is a confusion of dates in this and the following chapters as the Commissioners would hardly have been appointed until the line was approved. Both the Secretary's and the Library copy of Legislative Records of the Council read the same as to dates.

<sup>3</sup> Mass. Archives, Maps and Plans, 3d series, xxxiv., 15.

Legislative  
Records of the  
Council,  
ix., 312.  
Mass.  
Archives,  
Commissions  
and Proclama-  
tions, 1734-1757,  
62-66.

Legislative  
Records of the  
Council,  
ix., 311, 312.  
Mass.  
Archives,  
Maps and  
Plans, No. 246.  
*Supra*,  
chap. 81.



& Consideration of the Pleas, Pretensions, Claims & Challenges on both parts, & the Proposals & Concessions heretofore made, by Virtue of the Power & Authority to us delegated & granted by the respective General Assemblies of the said Province and Colony, Have mutually condescended, concluded & fully agreed in manner following, That is to say

*Imprimis*, That the Dividing Line betwixt the afores<sup>d</sup> Province of the Massachusetts Bay and the Colony of Connecticut, take its Commencem<sup>t</sup> from the ancient Station of Woodward & Saffery, & that a West Line be run from thence according to the Direction in the Royal Charter<sup>1</sup> to the late Colony of the Massachusetts Bay, which Line so far as there are any Settlements is to be run, adjusted & determined by suitable Persons appointed or to be appointed by each Government for that Purpose within the space of twelve Months next coming, or sooner if conveniently it may be, & afterwards to be further continued to the full Extent as the Governm<sup>ts</sup> shall direct.

SECONDLY, That the Town of Woodstock granted in the Year one thousand six hundred and eighty three,<sup>2</sup> laid out, planted & established by the Governm<sup>t</sup> of the Massachusetts, & at their very great Cost & Charge defended through the Course of a long destructive War, And the Township of Symsbury granted in the Year one thousand six hundred & seventy, laid out, planted & established by the Governm<sup>t</sup> of Connecticut, do remain intire to the respective Governments by which they were granted, both as to Property & Jurisdiction, notwithstanding any Intersection that may be made in either of them, by a new running or stating of the Line.

THIRDLY, That the Interfering betwixt the Towns of Symsbury & Suffield upon the South West Corner of Suffield, be reform'd, and that the Notch of Land in the South West Corner of Suffield of the Content of about two mile & an half near on the Square not allotted out or improved by Suffield, but under some Improvem<sup>t</sup> by Symsbury, be accounted part of the s<sup>d</sup> Town of Symsbury.

That a West Northerly Line be drawn from a large white Oak mark't Tree standing on the Bank of the West Side of Connecticut River two or three Rods from the same, and about half a Mile below the Island near the foot of the Falls in the great River, being the South East Corner of Suffield Bounds as formerly laid out, viz<sup>t</sup> three hundred & four rod Southward from the Mouth of Stony Brook, to extend to Symsbury Easterly Bounds so as to fall two hundred & sixteen rod to the Northward of the Intersection of Suffield South Line, lately run by Mess<sup>rs</sup> Pa[r]tri[d]ge,<sup>3</sup> Parsons & Porter,<sup>3</sup> with the Easterly Line of Symsbury; this to be the dividing Line betwixt the Town of Suffield to continue within the Jurisdiction of the Massachusetts, & the Town of Windsor to continue within the Jurisdiction of Connecticut; and that for what Land shall be wanting to make the Town of Suffield six mile square, an Equivalent be made them according as it is hereinafter agreed.

FOURTHLY, That the Town of Enfield granted & established by the Governm<sup>t</sup> of the Massachusetts<sup>4</sup> do entirely remain within the Jurisdiction of that Governm<sup>t</sup> according to their Grant, viz<sup>t</sup> from the Mouth of the long Meadow Brook below Springfield Southward by Connecticut River six Miles; & to run off from Connecticut River upon an East Line by the Needle of the Compass ten miles from the Mouth of the s<sup>d</sup> long Meadow Brook where it

<sup>1</sup> Mass. Bay Records, i., 4.

<sup>2</sup> *Ibid.*, 426, 468.

<sup>3</sup> *Ante*, p. 772.

<sup>4</sup> Mass. Bay Records, i. 410, 411, chap. 63.



empties it self into Connecticut River, & to extend ten Miles from the River on the South Side on an East Line as aforesaid.

That the Town of Windsor extend North to the Bounds of Enfield as before expressed, and that fit Persons be appointed by the respective Govern<sup>ts</sup> forthwith to run, adjust & determine the Lines betwixt the Towns of Windsor & Suffield, & Windsor & Enfield, & betwixt Suffield & Symsbury, as is herein before projected & agreed, so always that in running the South Line of Enfield, it's humbly proposed to the hon<sup>ble</sup> the Governor & Council of Connecticut to allow a favourable Construction of the Grant of Enfield to contain six Miles in breadth, which if that cannot be obtained, then to be run upon a streight Line according to the general Course of the River.

That the several Tracts of Land lying near to, or bordering upon the Line formerly granted and laid out to Joseph Dudley Esq<sup>r</sup> William Stoughton Esq<sup>r</sup> Robert Thompson Esq<sup>r</sup> S<sup>r</sup> Richard Saltonstall, M<sup>r</sup> Robert Saltonstall, John Pyncheon Esq<sup>r</sup> Thomas Clark Esq<sup>r</sup> Elisha Hutchinson Esq<sup>r</sup> William Whiting Esq<sup>r</sup> & to other particular Persons by the respective Governments of the Massachusetts or Connecticut shall be held by such Grantees respectively their Heirs & Assigns for ever according to the Priority of their Grants; althô upon the new running or fixing of the divisional Line it shall appear any of the said Lands lay not within the Jurisdiction of the Govern<sup>t</sup> by whom granted, and shall be confirm'd to such Grantees their Heirs & Assigns by the Government within which they fall, that no Persons be prejudiced in their Improvement.

AND Forasmuch as the Challenges of many particular Persons are not known, nor can be heard & determined by us at this present Meeting, but necessarily requires further time to be given therefor, and Notifications to be made within the several Governments, It is mutually agreed on the part of both the said Governments, That his Excellency Joseph Dudley Esq<sup>r</sup> present Governour of the Province of the Massachusetts Bay, & the hon<sup>ble</sup> Gurdon Saltonstall Esq<sup>r</sup> present Governour of Connecticut, with the present Commiss<sup>rs</sup> (and in Case of the death of any of the Commissioners of such other Person or Persons as the respective General Assemblies of the said Province or Colony shall substitute & appoint in the room of such Person or Persons deceased) shall receive, hear & determine the Claims & Challenges of particular Persons & of the Equivalents to be made as herein agreed, & to continue in Power for that Purpose by the space of twelve Months next coming, or such further & longer time as the said General Assemblies of the said respective Governm<sup>ts</sup> shall direct, and all Determinations made & signed by the said Joseph Dudley & Gurdon Saltonstall Esq<sup>rs</sup> with any three others of the said Commissioners, to be five in all, shall be conclusive and final; no Claims to be receiv'd after the Expiration of twelve Months aforesaid, without special Allowance and Direction from the respective General Assemblies of the afores<sup>d</sup> Province & Colony.

That where any Towns or particular Persons by reason of any Concessions herein made, or a new stating or fixing of the Line, shall be cut short or lessened in the Quantity of their Grants, or that any Lands of [*sic*] Townships, hereby consented to continue under the Jurisdiction of the Government by which they were established shall appear upon the new running and stating of the first mentioned west Line to ly on the Side of the other Government, an Equivalent shall be made to such Government, Towns or Persons respectively, of a like Quantity of ungranted Lands (if to be found) in lieu thereof; IN WITNESS whereof WE the said Commissioners



have set to our hands & Seals this thirteenth day of July *anno Domini* one thousand seven hundred & thirteen, and in the twelfth Year of the Reign of our Sovereign Lady Anne by the Grace of God of Great Britain, France and Ireland Queen, Defender of the Faith &c<sup>a</sup>

ELISHA HUTCHINSON & a Seal  
ISAAC ADDINGTON & a Seal  
WILLIAM PITKIN & a Seal  
WILLIAM WHITING & a Seal

*Concordat cum Originali,*

SAM<sup>l</sup> TYLEY jun<sup>r</sup> Clerk.

#### In Council

Upon Reading the Instrument of Agreem<sup>t</sup> made & executed the thirteenth of July last past under their Hands & Seals by Elisha Hutchinson Esq<sup>r</sup> & Isaac Addington Esq<sup>r</sup> Commissioners on Behalf of this Province & William Pitkin Esq<sup>r</sup> William Whiting Esq<sup>r</sup> Commissioners on Behalf of the Colony of Connecticut for Settling the Partition Line<sup>1</sup> between the Governm<sup>ts</sup> The Council declare their Satisfaction therein & Desire that a suitable Reward may be given to the said Hutchinson & Addington for their good Service:

In the House of Representatives; Read & Concur'd, And further *Resolved* that Five Hundred Acres of Land be given to each of the said Commissioners of this Province in any vacant Place in the Nipmug Country that has not yet been granted, in Consideration of this & their other former good Services for this Province.

In Council; Read & Concur'd. [*Passed August 7,<sup>2</sup> 1713.*]

[The following was] Posted upon the Town House in Boston, & printed in the News Paper [*i.e.*, Boston Newsletter, Oct. 5, 1713.]

Massachusetts Bay, By his Excellency, Joseph Dudley, Esq<sup>r</sup> Governour, &c<sup>a</sup>

Pursuant to an Instrument of Agreement for the adjusting & fixing of the Partition or Dividend Line betwixt her Majesty's Province of the Massachusetts Bay & the Colony of Connecticut concluded & executed the thirteenth day of July past in this present Year 1713, by Commissioners delegated & fully impowered by the General Assemblies of the s<sup>d</sup> respective Governments, & the said Agreement accepted by them.

The present Governours of the said Province & Colony with the

<sup>1</sup> Mass. Archives, Maps and Plans, no. 246, "This Chart & Platt of the Line Between her Maj<sup>ties</sup> Province of the Massachusetts Bay and the Colony of Connecticut is Agreed Allowed Rattified and Confirmed by Us. Underwritten. Govern<sup>rs</sup> and Comissiners. for both the Said Governments, And the Towns and Lands and Farms, through which the Said Line passes, and which are Adjacent thereunto, are Confirmed unto the Severall persons Concerned. To Have and To Hold for them Severally their heirs and Assignes. and the Equivalent Accordingly. agreed. Pursuant to the Articles Signed by the Commissioners on both Sides. Made and Concluded heretofore the thirteenth Day of July of Last past. In this Present year 1713. as of Record. Wittness our hands and Seals hereunto Sett the 31<sup>st</sup> Day of December

ELISHA HUTCHINSON	(Seal)		
Is <sup>a</sup> ADDINGTON	(Seal)	J DUDLEY	(Seal)
WILLIAM PITKIN	(Seal)	G: SALTONSTALL	(Seal)
WILL. WHITING	(Seal)		

This Disscription and Admeasurement of this south line of the Massachusetts Province which Divides between the said Province and the Colony of Connecticut was made and taken the twenty sixth day of October 1713] in presence of Col<sup>o</sup> Samuel Partridge, Col<sup>o</sup> John Pyncheon and Col<sup>o</sup> William Dudley Comissioners for the Massachusetts and William Pitkin and William Whiting Esq<sup>rs</sup> Comissioners for Connecticut, wherein is Discribed and Sett Down the Said line; from Woodward and Saffreys Station near Wrentham to Connecticut River, with the Severall Towns farms and Grants Adjacent and lying neer the Same;

Made and Done by the said Commissioners, and SAM<sup>l</sup> THAXTER } Surveyers  
JOHN CHANDLER }

Laid Down by a Scale of 400 perch to an inch."

<sup>2</sup> Dated so in Legislative Records of the Council ix., 313, though heading reads Aug. 6.



afores<sup>d</sup> Commiss<sup>rs</sup> being further continued in Power by the said respective General Assemblies for the Space of twelve Months next after, to receive, hear and determine the Claims & Challenges of particular Persons Borderers on the s<sup>d</sup> Line, & of Equivalent to be made.

These are to notify all Persons that have any Pretention or Challenges to make as aforesaid to repair to the Commissioners on the part of the Massachusetts, at Boston, or to the Commissioners on the part of Connecticut at Hartford within the time before limited, to shew forth their Claims & Challenges accordingly.

Given under my hand at Boston the first day of Octo<sup>r</sup> 1713, in the twelfth Year of her Majesty's Reign.

J. DUDLEY

## CHAPTER 83.

(Province Laws, IX., 309.)

ORDER CONFIRMING TO RICHARD WILLIAMS, WALTER DEAN, THOMAS LEONARD AND COMPANY, THEIR HEIRS AND ASSIGNS FOREVER, THE TRACT OF LAND CALLED TAUNTON NORTH PURCHASE, GRANTED THEM BY THE COLONY OF NEW PLYMOUTH IN 1668, AND BOUNDED BY THE MASSACHUSETTS LINE, BRIDGEWATER, TAUNTON AND REHOBOTH, SAVING THE EIGHT OR NINE HUNDRED ACRES MENTIONED IN THE REPORT OF THE COMMITTEE TO SURVEY THE SAME.

UPON READING A PETITION of Thomas Leonard Esq<sup>r</sup> & his Son Cpt. George Leonard, for & in Behalf of them selves & the Rest of the Proprietors of Taunton North Purchase so call'd, Praying the Acceptance of the Report of a Comm<sup>tee</sup> lately appointed by this Court to go upon & view the said Land as also a Confirmation of the same unto the Proprietors of the North Purchase afore said according to the Bounds & Lines herein undermentioned & described, containing a certain Tract of Land granted bargained & sold by the Governm<sup>t</sup> of the Colony of New Plimouth as it was then called on the first Day of June 1668, unto Richard Williams, Walter Dean, the Petitioner Thomas Leonard & Company, since known by the Name of Taunton North Purchase bounded on the Massachusetts Line, Bridgewater Taunton & Rehoboth the special Boundaries or Lines of the said North Purchase as mentioned in the Grand Deed, And since that Time frequently fixed settled & known by Perambulations Running of Lines & Settling of Bounds And are as follow [Beginning on the North West at the Bounds of the Lands formerly sold by the Governm<sup>t</sup> of New Plimouth aforesaid unto the Town of Rehoboth, & on the Northerly Side by the Massachusetts Line untill it comes to bear with the Western Bounds of the Town of Bridgewater & so from the said Massachusetts Line by a South Line Home to the Bounds of Taunton, And so along by Taunton Bounds untill a West Line will meet with the North East Corner of Rehoboth afore said, And so to follow the Bounds of Rehoboth (or Attleborough) untill it comes to the Bounds first mentioned upon the Massachusetts Line:

*Ordered* that the Lands as within described granted by the Government of the late Colony of Plimouth to Richard Williams Walter Dean & the Petitioner Thomas Leonard & Company be ratified established & confirmed to the said Grantees & Purchasers their Heirs & Assigns for Ever, deriving from the said Original Purchasers; Saving the Quantity of Eight or Nine Hundred Acres mentioned in the Report of a Committee of this Court lately appointed to survey the s<sup>d</sup> Lands. [*Passed August 7, 1713.*]

Legislative  
Records of the  
Council,  
ix., 314.

Plymouth  
Colony  
Records, iv., 20.  
*Ante*, p. 816,  
chap. 2.



## CHAPTER 88.

(Province Laws, IX., 311.)

ORDER ESTABLISHING THE FARMERS OF THE NORTH-WEST PART OF LYNN INTO A SEPARATE PRECINCT FOR THE PUBLIC WORSHIP OF GOD, TO CONTINUE TO SUPPORT THE MINISTRY IN THE OTHER PART OF THE TOWN UNTIL THEY HAVE BUILT A MEETING-HOUSE AND OBTAINED A MINISTER TO PREACH CONSTANTLY.

Legislative  
Records of the  
Council,  
ix., 320.

Legislative  
Records of the  
Council,  
ix., 300.  
*Ante*, p. 787,  
chap. 129.

UPON READING A PETITION of the Farmers so called or the Inhabitants of the North West Part of the Town of Lynn dwelling on the North Side of the publick Road leading from Reading to Salem, Praying that agreeable to a Vote of the Town they may be set off to be a distinct & separate Precinct for the Setting up the publick Worship of God amongst them selves; Viz, All that Part of the Town that lies on the Northerly Side of the High Way that leads from Salem to Reading.

*Ordered* that the Prayer of the Petition be granted & that there be a Precinct established accordingly with all the Powers & Privileges granted by Law to such; The Petitioners nevertheless to continue to pay to the Support of the Ministry in the other Part of the Town untill they have built a Meeting House & obtained a learned orthodox Minister to preach constantly with them. [*Passed October 16, 1713.*]

## CHAPTER 92.

(Province Laws, IX., 313.)

ORDER ESTABLISHING THE INHABITANTS OF READING LIVING ON THE NORTH SIDE OF IPSWICH RIVER AND SADLERS NECK AS A SEPARATE PRECINCT ACCORDING TO A VOTE OF SAID TOWN THE 2<sup>d</sup> OF MARCH, 1695/6, AND THAT THE COMMITTEE APPOINTED TO REPORT THEIR POWERS TO SUPPORT A MINISTER BE REVIVED TO CONSIDER THE MOST CONVENIENT PLACE FOR A MEETING-HOUSE.

Legislative  
Records of the  
Council,  
ix., 323.

*Ante*, p. 808,  
chap. 70.

UPON READING A PETITION of the Inhabitants of the Town of Reading living on the North Side of Ipswich River & Sadlers Neck within the said Township, therein Setting forth their distance from the publick Worship of God in the Body of the Town, Praying to be made a distinct & separate Precinct for that Purpose, Having a Vote of the Town for the same;

*Ordered* that the Prayer of the within Petition be so far granted, That a Precinct be established with the usual Powers & Privileges according to the Bounds described in the Vote of the Town of Reading, Pass'd the second Day of March 1695/6 for that End, They procuring a learned orthodox Minister of good Conversation to preach among them in Order to a Settlem<sup>t</sup> & Raising a comfortable Support for him to the Value of Fifty Pounds per Annum for the Present; And that the Committee improved by this Court to Report their Powers to support a Minister be revived to go upon the Ground & view & consider the most convenient Place for the Setting a Meeting House to Accomodate the whole Precinct, And Report their Opinion thereon to this Court at their Session in May next. [*Passed October 20, 1713.*]



## CHAPTER 93.

(Province Laws, IX., 313.)

VOTE ERECTING THE WEST SIDE OF THE CHARLES RIVER AT MEDFIELD TO BE A NEW TOWN BY THE NAME OF MEDWAY, AT HIS EXCELLENCY'S DIRECTION, PROVIDED THAT ALL TOWN RIGHTS AND COMMON UNDIVIDED LANDS REMAIN TO BE DIVIDED AMONGST THOSE INTERESTED AS IF NO SEPARATION HAD BEEN MADE, THE MEETING-HOUSE TO BE SET ON BARE HILL.

IN OBEDIENCE TO THE ORDER of the Great & Gen<sup>l</sup> Court or Assembly, We have been at Medfield & viewed the Town & considered its Scituation & are of Opinion, The most proper Bounds for the new Precinct is Charles River And that a Hill in the New Precinct called Bare Hill is the properest Place for Setting the New Meeting House, Which is humbly submitted

Legislative  
Records of the  
Council,  
ix., 323.

Province  
Laws, i., 722,  
chap. 9.  
*Ante*, p. 817,  
chap. 3.

þ Order of the Comm<sup>tee</sup> PENN TOWNSEND.

Read & Accepted & that there be a New Township Erected on the West Side of the River: A Bill to be drawn accordingly, Providing that all Province & Town Taxes that are already levied or granted be collected & paid And all Town Rights & Common Undivided Lands remain to be divided amongst the Interested as if no Separation had been made; And his Excellency [Joseph Dudley]<sup>1</sup> directed the New Town to be named Medway. [*Passed October 20, 1713.*]

## CHAPTER 95.

(Province Laws, IX., 313.)

ORDER APPOINTING HON. WILLIAM TAILER, ESQ., AND OTHERS, A COMMITTEE TO RE-SETTLE WORCESTER, WHOSE INHABITANTS WERE DRIVEN THEREFROM BY THE LATE WAR, RECEIVE ALL CHALLENGES, STATE THE PLACE OF THE TOWN UPON SMALL LOTS DEFENSIBLE, ORDER THE PRUDENTIALS UNTIL FULLY SETTLED AND RECEIVE THE TOWN BOOKS AND RECORDS FROM THE SUCCESSOR OF CAPT. JOHN WING, DECEASED, TOWN CLERK.

UPON READING A REPRESENTATION & PETITION of Coll. Adam Winthrop, Gersham Rice & Jonas Rice &c. on behalf of them selves & others Proprietors of Lands in the Township of Worcester, Setting forth their Desire to endeavour & enter upon a new Settlement<sup>t</sup> of the said Plantation being driven therefrom by the late Indian War, Praying the Countenance & Encouragem<sup>t</sup> of this Court in their Undertaking & such Directions & Regulations as shall be thought fit to make them defensible in Case of a new Rupture with the Indians, As also for a proper Committee to be appointed to direct in Ordering the Prudentials of the said Plantation till they come to a full Settlement &c. And that the said Committee may be empowered to demand & receive the Town Books & Records of their Allotments & other things from the Successor of Cpt. John Wing Dec<sup>d</sup> Who was Town Clerk & had them in Custody

Legislative  
Records of the  
Council,  
ix., 324.

Mass.  
Archives,  
cxiii., 535.

*Ordered* that the Prayer of the Petition be granted & that the Hon<sup>ble</sup> William Tailer Esq<sup>r</sup> Adam Winthrop & W<sup>m</sup> Dudley Esq<sup>rs</sup> Lieu. Coll. John Ballantine & Thomas How Esq<sup>r</sup> be a Committee to receive all Challenges, state the Place of the Town upon small Lots defensible & what else is necessary for their Establishm<sup>t</sup> & Ordering their Prudentials agreeable to y<sup>e</sup> Prayer in their Petition, & Granting out Allotments. [*Passed October 21, 1713.*]

<sup>1</sup> Province Laws, ix., 283.



## CHAPTER 101.

(Province Laws, IX., 316.)

ORDER ESTABLISHING PART OF BEVERLY, ROYAL SIDE AND SALEM VILLAGE AS A SEPARATE PRECINCT FOR THE PUBLIC WORSHIP OF GOD, SAVING THAT SUCH OF THE BEVERLY INHABITANTS AS DESIRE SHALL REMAIN AND BELONG TO BEVERLY, AND DIRECTING JOSEPH HERRICK, AND OTHERS, TO CALL A MEETING TO CHOOSE OFFICERS PROPER AND NECESSARY.

Legislative  
Records of the  
Council,  
ix., 329.

*Ante*, p. 815,  
chap. 154.

UPON READING A PETITION of Cpt. John Dodge Nath<sup>l</sup> Howard & Joseph Herrick on Behalf of them selves & others their Neighbours Inhabitants of Beverly Royal Side so called, in Salem & Salem Village, Praying to be made a distinct & separate Precinct to set up the Publick Worship of God amongst them selves living far distant from the Places of Publick Worship in the Towns & Parts where they dwell; And on Consideration of the Report of a Committee of this Court appointed to view the Place proposed for the Erecting a Meeting House, & to Enquire into the Powers & Abilities of the Petition<sup>rs</sup> & all Circumstances & Conveniencies, &c, As follows; Viz, That they are of Power & Ability to build a Meeting House for the publick Worship of God & to Maintain & support the Ministry That the Lines mentioned in the Petition are reasonable & suitable, W<sup>ch</sup> are at Beverly a streight Line taking in Peter Wadings House & Benjamin Dikes House & so to Salem Line & Wenham Line, And at Royal Side all the Families to the Northward of Frost Fish River, At Salem Village all the Families to the Eastward of Frost Fish Brook, Only in Salem Village, That all the Land that lies to the Eastw<sup>d</sup> of Frost Fish River as it Runs from the Salt Water into the Land till it comes to the Bound (a White Oak in the Line betwixt Salem & Wenham, the said Tree stands in John Herricks Land) To Run from the said Tree with a West Line to the said River, to be the Bounds on that Side, And that the Place propounded near Jabez Bakers is a very suitable Place for Erecting a Meeting House, No Person within the said Lines living more than two Miles & an half from the Place,

*Ordered* that the Prayer of the Petition be granted, And that a distinct & separate Precinct for the Publick Worship of God be established according to the Limits & Bounds in the Committees Report, Saving that such of the Town of Beverly as inhabit within the said Lines & have desired it, be allowed with their Estates to remain & belong to Beverly as before, while they shall see Cause; And the Inhabitants of the said Precinct are impowered to use Exercise & Enjoy all Powers & Privileges by Law granted to Precincts; And Joseph Herrick Jonathan Rayment & Nath<sup>l</sup> Howard three principal Inhabitants within the said Precinct or any two of them are hereby directed & impowered for this Time to notify & summon a Meeting of the Inhabitants of the said Precinct to nominate Choose & Elect a Clerk Assessors & a Collector with other Officers proper & necessary & to Direct y<sup>e</sup> Prudential Affairs of the said Precinct. [*Passed October 24, 1713.*]



## CHAPTER 106.

(Province Laws, IX., 318.)

ORDER ESTABLISHING IPSWICH HAMLET AND FARMS AS A SEPARATE PRECINCT FOR THE PUBLIC WORSHIP OF GOD, HAVING REGARD FOR THE LIMITATIONS CONTAINED IN THE TOWN'S VOTE.

UPON READING A PETITION presented by Cpt. Matthew Whipple & John Gilbert in Behalf of them selves & diverse other Inhabitants of Ipswich, Praying that according to the Vote of the Town they may be made & allowed to be a distinct & separate Precinct for Setting up & Supporting the Publick Worship of God among them selves within the Limits & Boundaries granted for that Purpose by the Town, namely All the Inhabitants of the Hamlet so called with all the Inhabitants & Lands lying within the Compass of the Farms Viz, Annables & Jacobs Farm to Abbots Farm Cpt. John Whipples Farm, the Farm of Joseph Whipple Dec<sup>d</sup> Loverings Farm, From thence bounded on Saltonstalls Farm exclusively, & all the Farms lying upon Wenham Bounds & all the Lands & Inhabitants lying on Chebacco Line that are not included in Chebacco Precinct, And that when they have Erected a Meeting House & called an orthodox Minister to preach the Gospel to them, They be then freed from all further Charge towards Maintaining the present Ministers And in the mean Time by Reason of the Distance of sev<sup>ll</sup> of them from the Place of Publick Worship in the Town, they be at present freed from so much of their Rates as they use to pay for their Heads;

Legislative  
Records of the  
Council,  
ix., 332.

*Ordered* that the Prayer of the Petition be granted; And a Precinct is established accordingly with the usual Powers & Privileges by Law granted to such, Having regard to the Limitations contained in the Towns Vote. [*Passed October 29, 1713.*]

## CHAPTER 111.

(Province Laws, IX., 319.)

RESOLVE FOR SETTling SOME DEFENSIBLE TOWNS IN THE COUNTY OF YORK, FOR APPOINTING A COMMITTEE TO RECEIVE AND ACT ON CLAIMS FOR LANDS, ALLOWING TOWNSHIPS AT BLACK POINT, SACO, OLD CASCO, NORTH YARMOUTH AND AT THE MOUTH OF THE KENNEBECK RIVER OF ONE HUNDRED FAMILIES EACH WHO SHALL SIT DOWN CLOSE AND DEFENSIBLE NEAR THE SEASIDE UPON SMALL LOTS OF THREE OR FOUR ACRES, AND THAT NO ONE SHALL PROCEED TO SETTLE WITHOUT LICENSE SAVE IN YORK, KITTERY, BERWICK AND WELLS.

*Resolved* that it is for her Majesties [Queen Anne's]<sup>1</sup> Service that there be some Townships regularly planted & settled in the most defensible Manner in the County of York in the late Province of Main; That a Committee be appointed by this Court to receive & examine into the Claims of all Persons what soever to lands in the late Province of Main who are therefore Ordered within three Months next coming to shew forth their Titles accordingly: That there be five Townships allowed at present, One at Black Point, One at Saco, One at Old Casco, One at North Yarmouth, And One at the Mouth of Kennebeck River: That in Order thereunto the above said Committee do forthwith meet appoint their Clerks & by them give convenient publick Notice of their Powers & Orders & of the certain Times & Places of the s<sup>d</sup> Committees Meeting, in Order to their Bringing in their respective Claims, W<sup>ch</sup> being done to the

Legislative  
Records of the  
Council,  
ix., 335.

Executive  
Records of the  
Council,  
xi., 241.

<sup>1</sup> Whittaker's Almanack, 1920, p. 115.



Satisfaction of the Committee, They are impowered to admit them or others for them with their Consent to the Number of One Hundred Families for each Place, Who shall sit down close & defensible near the Sea Side upon small Lotts not exceeding three or four Acres to each Family, with Accomodations in Land suitably extended for the Erecting a Township: That the above said Committee do report the Claims & Proposals of the Proprietors & others for the orderly Settlem<sup>t</sup> of the said Towns unto the next Sessions of this Court that so a further Consideration may be had thereupon.

That no Person or Family presume in the mean Time & before the Committee shall proceed to order the proper Places, Except York Kittery Berwick & Wells to build or settle in any Part of that County without Licence first had of the Govern<sup>r</sup> & Council. [*Passed October 31, 1713.*]

## CHAPTER 112.

(Province Laws, IX., 319.)

ORDER APPOINTING ELISHA HUTCHINSON, ESQ., AND OTHERS, A COMMITTEE TO RECEIVE AND EXAMINE ALL CLAIMS FOR LANDS IN THE LATE PROVINCE OF MAINE AND PURSUE THE FURTHER POWERS GIVEN THEM BY AN ACT OF THIS COURT FOR THE REGULAR SETTLEMENT OF THAT COUNTRY, AT THE CHARGE OF THE TOWNS THAT SHALL BE SETTLED.

[In Council]

*Ordered* that Elisha Hutchinson Isaac Addington John Phillips & Paul Dudley Esq<sup>rs</sup> with such as shall be named by the House of Represent<sup>ves</sup> to join them be a Committee to receive & examine into the Claims of all Persons to Lands lying within the late Province of Main, And pursue the further Powers given them by an Act of this Court in Order to the regular Settlem<sup>t</sup> of that Countrey: And that three of the s<sup>d</sup> Persons be a Quorum of y<sup>e</sup> Comm<sup>tee</sup> so far as concerns this Board.

[In the House of Representatives,

Concurred] and John Clark Edmund Quincey & Thomas Oliver Esq<sup>rs</sup> Mr William Denison & the Clerk of this House are joined in the Affair any four of them to be a Quorum so far as concerns this House, The Charge of the Committee & laying out y<sup>e</sup> Lands to be born by y<sup>e</sup> Towns that shall be settled. [*Passed October 31, 1713.*]

## CHAPTER 135.

(Province Laws, IX., 328.)

ORDER DIRECTING JOHN CHANDLER, ESQ., TO LAY OUT IN THE NIPMUCK COUNTRY, FIVE HUNDRED ACRES, EACH, TO ELISHA HUTCHINSON AND ISAAC ADDINGTON, ESQUIRES, COMMISSIONERS FOR SETTLING THE PARTITION LINE WITH CONNECTICUT, ETC., AND PRESENT A PLAT FOR CONFIRMATION.

Legislative  
Records of the  
Council,  
ix., 349.

*Ante*, p. 825,  
chap. 82.

PURSUANT TO A GRANT made by this Court at their Session in August last past to Elisha Hutchinson & Isaac Addington Esq<sup>rs</sup> Commissioners on the Part of this Province, for Settling the Partition Line between this Governm<sup>t</sup> & the Governm<sup>t</sup> of Connecticut Colony with Commissioners on their Part of Five Hundred Acres of Land to each of said Commissioners of this Province in any vacant Place in the Nipmug Countrey that has not yet been



granted, in Consideration of that & other their former good Services for this Province,

*Ordered* that John Chandler Esq<sup>r</sup> be & hereby is appointed & impowered to lay out Five Hundred Acres of Land in the Nipmug Countrey accordingly, to the said Elisha Hutchinson, And five Hundred Acres to the said Isaac Addington, & to present a Plat thereof to the Gen<sup>l</sup> Assembly at their Session in May next to be confirm'd to the said Persons respectively their Heirs & Assigns for Ever. [*Passed February 13, 1713*[-14].

## CHAPTER 136.

(Province Laws, IX., 328.)

VOTE ACCEPTING, RATIFYING AND CONFIRMING THE REPORT AND PLAT OF THE COMMISSIONERS AND SURVEYORS APPOINTED IN AUGUST LAST TO RUN AND STATE THE PARTITION LINE BETWEEN THE GOVERNMENTS OF MASSACHUSETTS BAY AND CONNECTICUT AND THE EQUIVALENTS MADE AND GRANTED PURSUANT TO THE AGREEMENT OF THE 13<sup>TH</sup> OF JULY LAST.

THE FOLLOWING REPORT of the Commissioners, &c for Running the Partition Line between this Province & the Colony of Connecticut & Stating of the same; Viz,

By Vertue of an Order from his Excellency the Govern<sup>r</sup> [Joseph Dudley, Esq.,]<sup>1</sup> & Gen<sup>l</sup> Assembly of the Province of the Massachusetts Bay of the sixth of August last past, As also An Act or Order of the Hon<sup>ble</sup> the Governour [Gurdon Saltonstall]<sup>2</sup> & Gen<sup>l</sup> Assembly of the Colony of Connecticut of the eighth of October past,<sup>3</sup> Impowering us the Subscribers on the Part of the respective Governm<sup>ts</sup> to run & state the Partition Line betwixt the said Governments, Pursuant to an Instrument of Agreem<sup>t</sup> bearing Date the thirteenth of July last past<sup>4</sup> executed by Commissioners impowered by the respective Gen<sup>l</sup> Assemblies of the said two Governments to adjust settle & fix that Line, As also for Running & Stating the Lines betwixt the two Towns as agreed upon in the said Instrument, We Samuel Pa[r]<sup>5</sup>tridge, John Pynchon & William Dudley Esq<sup>rs</sup> Commissioners on the Part of the Massachusetts, William Pitkin & William Whiting Esq<sup>rs</sup> Commissioners on the Part of the Colony of Connecticut having mett a[t] Wrentham the twenty fourth Day of October last to attend said Service by the Help & Assistance of Samuel Thaxter & John Chandler Esq<sup>rs</sup> Surveyours appointed by the aforesaid Governm<sup>t</sup> of the Massachusetts, And having with them the same Surveying Instruments, which was used hereto fore on such an Occasion, And upon good Proof & Tryal is found to vary Nine Degrees from the Meridan Line. We began at the Stake & Station of Woodward & Saffery in Wrentham Township, & Ran West to Connecticut River allowing that Variation; We made no Monuments till we came in Sight of Chaubunagungamug Pond, where upon the South End of a large bald Hill (from whence we could discover the Buildings of Woodstock) & on the East Side of the said Pond, we erected a large Heap of Stones & Proceeding West as afore said by a Line of mark'd Trees we pass'd along very near the South End of the said Pond & erected an other Heap of Stones on the West Side of the Road leading from Oxford to Killingly, where stands a White Oak Tree marked, also a Marked White Oak Tree & a Heap of Stones four Perch East of Stony River, From

Legislative  
Records of the  
Council,  
ix., 350.

Mass. Archives,  
Maps and Plans,  
No. 246;  
3d series, iv.,  
14; xv., 19.  
*Ante*, p. 824,  
chap. 81;  
p. 825, chap. 82.

<sup>1</sup> Province Laws, ix., 283.

<sup>2</sup> Connecticut Register and Manual.

<sup>3</sup> Colonial Records of Conn., 1706-1716, 399.

<sup>4</sup> *Ante*, p. 825, chap. 82.

<sup>5</sup> Mass. Archives, cxlii., 532; Province Laws, vii., 332.



thence to a Heap of Stones on the West Side the Road from Woodstock to Oxford, Then Crossing Quinebaug River, We erected an other Heap of Stones on the East Line of the Township of Woodstock at about One Hundred & twenty Perch Southward from the North East Corner thereof, From thence to a large White Pine Mark'd, standing near the North West Corner of Woodstock Township, at the Root of which we laid a Quantity of Stones, From thence we extended the Line over the Mountains, Marking sundry Trees & Erecting sundry Heaps of Stones, Particularly on a large Hill called East Hill, & on the East & West Mountains, And by mark'd Trees thro' the Plain to long Meadow in Springfield Township at about One Hundred & sixty Perch North from the Mouth of long Meadow Brook

We have also measured out the Township of Enfield according to the afore mentioned Agreeem<sup>t</sup> Viz, Beginning at the Mouth of Long Meadow Brook afore said Running Southward according to the General Course of the River, Viz, South Thirteen Degrees West six Miles, & have erected a Stake & Heap of Stones on the Bank of the River for the South West Corner, From thence We extended East by the Needle ten Miles to an Heap of Stones on the East Side of the High Mountains: We then ran North, Thirteen Degrees East to the Line brought up from Wrentham aforesaid, At the Intersection whereof we have made a Heap of Stones at the Foot of the Westerly Mountain Eastward.

SAM <sup>LL</sup> PA[R] <sup>1</sup> TRIDGE	for y <sup>e</sup>	W <sup>M</sup> PITKIN	} for Con-
JOHN PYNCHON	Massa-	W <sup>M</sup> WHITING	
W <sup>M</sup> DUDLEY	chusetts		

ENFIELD NOV. 6<sup>th</sup> 1713.

SAM <sup>LL</sup> THAXTER	} Surveyours
JOHN CHANDLER	

[In Council]

The afore going Report & a Plat<sup>2</sup> made by Samuel Thaxter & John Chandler Esq<sup>m</sup> Surveyours, Pursuant thereto, laid before this Court: Read, & Accepted Ratified & Confirmed in all Respects relating to the Settlement of the Line of Partition between the two Governments, And also the Equivalents made and granted accordingly:

[In the House of] Representatives

[Read and] Concurred. [*Passed February 13, 1713*[-14].

## CHAPTER 137.

(Province Laws, IX., 328.)

ORDER CONFIRMING TO JOSHUA LAMB, AND OTHERS, A TRACT OF LAND EIGHT MILES SQUARE ADJOINING WORCESTER, PURCHASED BY THEM IN 1686 FROM THE HEIRS OF OARASKOE, AN INDIAN SACHEM, THE TOWN TO BE NAMED LEICESTER AND LIE IN MIDDLESEX COUNTY, PROVIDED THAT WITHIN SEVEN YEARS FIFTY FAMILIES ARE SETTLED IN A DEFENSIBLE AND REGULAR MANNER AND LAND ALLOWED FOR THE MINISTRY AND SCHOOL.

Legislative  
Records of the  
Council,  
ix., 351.

UPON READING A PETITION of Joshua Lamb, Richard Draper, Samuel Ruggles Benjamin Tucker & others Setting forth that upon the twenty seventh Day of January 1686: for a valuable Consideration therefor paid, they purchased of Philip Traye & Monehue his Wife John Wanpom & Wawonnow his Wife & other In-

<sup>1</sup> Mass. Archives, cxlii., 532; Province Laws, vii., 332.

<sup>2</sup> Mass. Archives, Maps and Plans, No. 246.



dians the Heirs of Oaraskoe the Original Sachem of a Place called Towtaid lying near Worcester a certain Tract of Land containing Eight Miles Square abutting Southerly on the Land, which the Govern<sup>r</sup> [Joseph Dudley]<sup>1</sup> lately purchased of the Indians, & West-erly the most Southerly Corner upon a little Pond called Paupog-quincog, then to a little Hill called Wekapekatonnou, And from thence to a little Hill called Aspomscock & so then Easterly upon a Line untill it come against Worcester Bounds & joins unto their Bounds, As may be seen more at large by the Original Deed Executed by the said Indians Proprietors & Acknowledged before the Hon<sup>ble</sup> William Stoughton Esq<sup>r</sup> Praying a Confirmation of the said Tract of Land to them & their Associates, That they may be encouraged to proceed forthwith to settle the same with Inhabitants under such Directions & Reservations as shall be thought meet

*Ordered* that the Prayer of the Petitioners be granted, Provided that within seven Years Time Fifty Families settle them selves in as defensible & regular a Way as the Circumstances of the Place will allow on Part of the said Land & that a sufficient Quantity thereof be reserved for the Use of a Gospel Ministry there & a School; Provided also that this interfere with no former Grant, And that this Grant shall not exceed the Quantity of Eight Miles square; The Town to be named Leicester, & to ly to y<sup>e</sup> County of Middlesex. [*Passed February 15, 1713*[-14].]

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## CHAPTER 140.

(Province Laws, IX., 329.)

ORDER APPOINTING JOHN CHANDLER, ESQ., SURVEYOR, TO LAY OUT THE TRACT GRANTED JOSHUA LAMB, AND OTHERS, AS A TOWNSHIP BY THE NAME OF LEICESTER AT THE CHARGE OF THE GRANTEES AND LAY A PLAT BEFORE THIS COURT FOR CONFIRMATION.

*Ordered* that John Chandler Esq<sup>r</sup> Surveyour be appointed to lay out the Tract of Land granted [Joshua Lamb and others]<sup>2</sup> this Present Session to be a Township by the name of Leicester at the Charge of the Grantees & lay a Plat thereof before this Court at their Session in May next for Confirmation. [*Passed February 16, 1713*[-14].]

Legislative  
Records of the  
Council,  
ix., 353.

*Supra*,  
chap. 137.

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## CHAPTER 143.

(Province Laws, IX., 330.)

VOTE RECOMMENDING SALISBURY TO CONSIDER ITS DIVISION INTO TWO PARISHES OR PRECINCTS FOR THE MINISTRY AT THE NEXT TOWN MEETING AND MAKE REPORT AT THE SESSION IN MAY NEXT.

UPON READING A REPRESENTATION of a Considerable Number of the Inhabitants of Salisbury, Proposing that the Town be divided into two Parishes or Precincts for the Ministry;

[*Voted*] that it will be most for the Benefit & Advantage of the Town, And much conducing to the Propagation of Religion in the sev<sup>l</sup> Parts thereof, And recommend it to the Town in the next Gen<sup>l</sup> Town Meeting to have Consideration of the said Proposal & agree an Establishm<sup>t</sup> accordingly, And make Report of their Doings thereon at the Session in May next. [*Passed February 16, 1713*[-14].]

Legislative  
Records of the  
Council,  
ix., 354.

<sup>1</sup> Province Laws, ix., 283.

<sup>2</sup> *Supra*, chap. 137.



## CHAPTER 144.

(Province Laws, IX., 330.)

ORDER APPOINTING JAMES WARREN, ESQ., AND OTHERS, A COMMITTEE TO RUN THE WESTERLY LINE OF ROCHESTER AND SETTLE ITS BOUNDS AT THE EQUAL CHARGE OF ROCHESTER AND TIVERTON.

Legislative  
Records of the  
Council,  
ix., 354.

UPON THE PETITION of the Town of Rochester, Praying that a Comm<sup>tee</sup> may be appointed to run the Westerly Line of the s<sup>d</sup> Town of Rochester & settle their Bounds;

[In the House of Representatives]

*Ordered* that the Prayer of the Petition be granted, & James Warren Esq<sup>r</sup> Daniel Parker Esq<sup>r</sup> & Cpt. William Southworth with such as the Hon<sup>ble</sup> Board shall appoint be a Comm<sup>tee</sup> to run the Line mentioned in the Petition & make Report to this Court at their next Session, The Charge of the Comm<sup>tee</sup> to be born equally between the Towns of Rochester & Tiverton;

[In Council]

Read] and Nath<sup>l</sup> Payne Esq<sup>r</sup> added to the Comm<sup>tee</sup> for the Affair abovesaid. [*Passed February 16, 1713*[-14].

## CHAPTER 148.

(Province Laws, IX., 332.)

ORDER ESTABLISHING LONGMEADOW IN SPRINGFIELD AS A SEPARATE PRECINCT FOR THE GOSPEL MINISTRY, ALTHOUGH OF NOT FULLY FORTY FAMILIES, PROVIDED THEY SUPPORT THE MINISTRY IN THE OTHER PART AS FORMERLY UNTIL THEY ARE PROVIDED WITH A LEARNED ORTHODOX MINISTER AND AGREE TO PAY AT LEAST £50 ANNUALLY FOR HIS SUPPORT.

Legislative  
Records of the  
Council,  
ix., 356.

*Ante*, p. 741,  
chap. 91.

UPON READING A REPRESENTATION & PETITION of the Inhabitants of that Part of the Town of Springfield commonly called Long Meadow; Althô not fully the Number of Forty Families, Praying to be made a separate Precinct for Carrying on the Worship of God among them selves; It being represented that they are of good & sufficient Ability to maintain a Minister & often Times can not with any Conveniency attend the publick Worship at the Meeting House that now is in the said Town by Reason of their great Distance from it;

*Ordered* that the Prayer of the Petition be granted, And that a separate Precinct for the Gospel Ministry be & hereby is sett off & established in the said Town of Springfield accordingly with all usual Powers & Privileges; To be bounded Northerly by a Line to be drawn from the Mouth of Pacowseck Brook so called (where it falls into Connecticut River) to the Province Land, Parrallel to the Line of the Southern Bounds of the said Town of Springfield, Westerly by Connecticut River, Southerly by the Town of Enfield & Easterly by Province Land: Provided that the Inhabitants & [*sic*] Interested in the said Precinct shall pay to the Maintenance of the Ministry in the other Part of the Town as formerly, untill they are provided of a learned orthodox Minister, & agree to raise & pay the Sum of Fifty Pounds at least annually for his Support. [*Passed February 17, 1713*[-14].



## CHAPTER 149.

(Province Laws, IX., 332.)

ORDER REVIVING THE PLANTATION OF SWAMPFIELD, GRANTED IN 1673, INTERRUPTED BY WAR, TROUBLES WITH THE INDIANS AND THE DEATHS OF THE PETITIONERS, GRANTEES AND COMMITTEE, AND APPOINTING SAMUEL PARTRIDGE, ESQ., AND OTHERS, TO MANAGE THE SAME, RESERVING TWO HUNDRED AND FIFTY ACRES OF LAND IN SOME CONVENIENT PLACE FOR THE GOVERNMENT, PROVIDED THAT FORTY FAMILIES SETTLE WITHIN THREE YEARS WITH A LEARNED ORTHODOX MINISTER, THE TOWN TO BE NAMED SWAMPFIELD.

UPON READING THE PETITION of John Kellog Isaac Hubbard & others Praying for a Settlement of a Village or Plantation granted in May 1673, Northerly of Hadley, formerly called Swampfield;

*Ordered* that for as much as by Reason of the Interruption given to the Settlem<sup>t</sup> of the above mentioned Plantation granted in May 1673, by the War & Troubles with the Indians & diverse of the Original Grantees & Petitioners, & also the Committee for directing the same being since dead. The said Grant for a Plantation be & hereby is revived And Samuel Pa[r]<sup>t</sup>ridge, John Pynchon & Sam<sup>l</sup> Porter Esq<sup>rs</sup> are appointed & impowered a Committee to receive the Challenges of all Persons to the Property & Right of Land in the said Plantation, And to enter their Names with such others as shall offer to join with them in Settling a Township there The Names of all to be entered with the Committee within the space of Twelve Months from this Time, giving Preference to the Descendants of the Original Petitioners & Grantees: And the said Committee are further impowered to state the Place of the Town upon small Lotts so as it may be made defensible, Grant out Allotments & Order their Prudentials & whatever else is necessary for their Establishment; Reserving & setting forth Two Hundred & fifty Acres of Land in some convenient Place to be in the Disposition of the Governm<sup>t</sup> Provided alwaies that Forty Families be settled there within three Years next coming, And that they procure & encourage a learned orthodox Minister to settle with them: The Town to be named Swampfield. [*Passed February 17, 1713*[-14].

Legislative  
Records of the  
Council,  
ix., 356.

Mass. Bay  
Records, iv.,  
part ii., 557.

## CHAPTER 153.

(Province Laws, IX., 333.)

RESOLVE DECLARING THAT THE EIGHT OR NINE HUNDRED ACRES MENTIONED IN THE SURVEY OF TAUNTON NORTH PURCHASE OF MAY 29<sup>TH</sup> LAST IS EXCLUSIVE AND WITHOUT SAID PURCHASE, ANYTHING IN THE ORDER OF AUGUST LAST NOTWITHSTANDING.

WHEREAS at the Session of this Court in August last past An Order was made for Confirmation of a certain Tract of Land purchased by Richard Williams of the Governm<sup>t</sup> of the late Colony of Plimouth (since known by the Name of Taunton North Purchase) to the said Grantees & Purchasers their Heirs & Assigns for Ever; Saving the Quantity of Eight or Nine Hundred Acres mentioned in the Report [May 29th last]<sup>2</sup> of a Committee of this Court lately appointed to survey the s<sup>d</sup> Land

Upon Consideration of the said Report & Hearing of the Committee;

*Resolved* that the Quantity of Eight or nine Hundred Acres men-

Legislative  
Records of the  
Council,  
ix., 359.

*Ante*, p. 816,  
chap. 2: p. 829,  
chap. 83.

<sup>1</sup> Mass. Archives, cxiii., 532; Province Laws, vii., 332.

<sup>2</sup> *Ante*, p. 816, chap. 2.



tioned in the Survey, contained in the afore recited Order is exclusive & without the Grant of the Tract of Land afore said now known by the Name of Taunton North Purchase: Any Thing in the said Order notwithstanding. [*Passed February 19, 1713*[-14].

## CHAPTER 160.

(Province Laws, IX., 336.)

ORDER REVIVING THE PLANTATION AT SQUAKEAG, CALLED NORTH-FIELD, GRANTED IN 1672, INTERRUPTED BY WAR, INDIAN TROUBLES AND DEATHS OF PETITIONERS, GRANTEES AND COMMITTEE, AND APPOINTING SAMUEL PARTRIDGE, ESQ., AND OTHERS, TO MANAGE THE SAME, PROVIDED THAT FORTY FAMILIES BE SETTLED WITHIN THREE YEARS WITH A LEARNED ORTHODOX MINISTER, THE TOWN TO BE NAMED NORTHFIELD AND LIE IN HAMPSHIRE COUNTY.

Legislative  
Records of the  
Council,  
ix., 362.

Executive  
Records of the  
Council,  
vi., 203.  
Mass Bay  
Records, iv.,  
part ii.,  
528, 542.

UPON READING A PETITION of Joseph Parsons John Lyman & others Praying for a Resettlem<sup>t</sup> of a Village or Plantation at Squakeag granted in May 1672: formerly called Northfield;

*Ordered* that for as much as by Reason of the Interruption given to the Settlem<sup>t</sup> of the within mentioned Plantation granted in October 1672, by War & Troubles with the Indians, And diverse of the Original Petition<sup>rs</sup> & Grantees & also the Committee for the same are since dead; The said Grant for a Plantation be & hereby is revived & Samuel Pa[r]<sup>1</sup>tridge, John Pyncheon Samuel Porter John Stoddard Esq<sup>rs</sup> & M<sup>r</sup> Henry Dwight are appointed and impowered a Committee to receive the Challenges of all Persons to the Property & Right of Land in the said Plantation & to enter their Names with such others as shall offer to join with them in settling a Township there, The Names of all to be entered with the Committee within the Space of Twelve Months from this Time giving Preference to the Descendants of the Original Petitioners & Grantees: And the said Committee are further impowered to state the Place of the Town upon small Lots so as it may be made defensible, grant out Allotments & Order their Prudentials & what else is necessary for their Establishment: Provided alwaies that Forty Families be settled there within three Years next coming, And that they procure & encourage a learned orthodox Minister to settle with them: the Town to be named Northfield, The Town to ly to the County of Hampshire. [*Passed February 22, 1713*[-14].

## CHAPTER 165.

(Province Laws, IX., 337.)

RESOLVE ORDERING THE SURVEY AND LAYING OUT OF A NEW TOWN AT OR NEAR CASCO,<sup>2</sup> THE SETTLEMENT OF THE SAME ACCORDING TO THIS COURT'S PROPOSALS, THE IMPRINTING OF THE RESOLVES RELATING TO THE SETTLEMENT OF THE EASTERN LANDS SO THAT THE PROPRIETORS OF LAND AT BLACK POINT, SACO, OLD CASCO, NORTH YARMOUTH AND KENNEBECK RIVER MAY OFFER THEIR PROPOSALS, AND ALLOWING SIX MONTHS FURTHER TIME FOR THE SAME.

Legislative  
Records of the  
Council,  
ix., 364.

Mass. Archives,  
Maps and  
Plans, 3d series,  
xxxv., 27.

*Resolved* that there be forthwith Ordered a Survey of a suitable Place to Erect a Town at or about Casco, the Lotts to be laid out, And a suitable Quantity of Out-Lands allotted for them, W<sup>ch</sup> done the Proprietors thereof to be notified & allowed to settle the same

<sup>1</sup> Mass. Archives, cxliii., 532; Province Laws, vii., 332.

<sup>2</sup> Erroneously printed as Saco, Province Laws, ix., 337, chap. 165.



according to the Method proposed by this Court & upon their Refusal the General Court to have further Consideration thereof.

That there be forthwith imprinted a sufficient Number of the Resolves of the Gen<sup>l</sup> Court [relating to the settlement of the Eastern lands] to be dispersed into all the Towns of this Province; And that the Proprietors of Land at Black Point, Saco, Old Casco North Yarmouth & the Land upon Kennebeck River be directed to attend the Committee to shew forth their Claims & offer their Proposals about Settling the said Towns And further Time of Six Months be allowed for the same; And that the Names of the Committee [John Wheelwright, Esq., Capt. Samuel Moodey and Mr. Joseph Hammond]<sup>1</sup> with the Times & Place of their Sitting be also inserted. [*Passed February 23, 1713*[-14].

Executive  
Records of the  
Council,  
vi., 184.  
*Ante*, p. 834,  
chap. 112.

## CHAPTER 165 a.<sup>2</sup>

ORDER APPOINTING A HEARING ON THE CHALLENGE OF THE HEIRS OF PETER BULKELEY OF CONCORD OF LANDS AT NASHOBA AND STAYING ALL PROCEEDINGS IN THE INTERIM.

UPON READING THE PETITION of John Bulkeley in Behalf of himself & his Brother Joseph Bulkeley Sons & Heirs of Peter Bulkeley<sup>3</sup> late of Concord Esq<sup>r</sup> Dec<sup>d</sup> As to their Challenge of Lands at Nashoba; [*Ordered*] Refer'd to y<sup>e</sup> Session of this Court in May next, The Petitioners then to be heard upon their Challenge And that all Proceedings referring to Nashoba in y<sup>e</sup> Interim be stayed. [*Passed February 23, 1713*[-14].

Legislative  
Records of the  
Council,  
ix., 364.

## CHAPTER 167.

(Province Laws, IX., 338.)

VOTE ACCEPTING THE REPORT OF THE COMMITTEE RECOMMENDING THAT THE BOW IN WEST MOUNTAIN BE GRANTED TO WESTFIELD AND THAT THE BROW OF SAID MOUNTAIN BE THEIR WESTERLY BOUNDS.

WHEREAS the Antient Bounds [of Westfield] are fixed upon the Mountain commonly called the West Mountain at the Northerly Corner and their Bounds at the South Side coming near the Said Mountain which Mountain runs well near North and South Ranging as their Line runs on the Westerly Side, there being a little Bow in the Mountain which their Bounds do not reach, which if taken from them would greatly damnify them with respect to feeding, Stone for Building, Timber & fire Wood, praying that that Small Tract of Land in the abovesaid Bow and the Mountain Side also may be granted them and the Brow of the Mountain be fixed to be their Westerly Bounds

Legislative  
Records of the  
Council,  
ix., 365.  
Mass.  
Archives,  
ccxliii., 35.

*Ante*, p. 817,  
chap. 6.

We the Subscribers have viewed y<sup>e</sup> Land petitioned for and judge it to be about one Mile from the West Bounds and the Said Town of Westfield to the Top of the Mountain all the widest part of the Bow and narrow at each end of the Said Bow and generally poor Land, and we are humbly of Opinion that it is very reasonable, that there be a Grant of the Same as the Petitioners pray for.

JOSEPH PARSONS  
SAMUEL PORTER  
LUKE HITCHCOCK

In Council  
Read & Accepted

[In the House of] Representatives

[Read and] Concurred. [*Passed February 23, 1713*[-14].

<sup>1</sup> Executive Records of the Council, vi., 184.

<sup>2</sup> Omitted from Province Laws, ix., 337.

<sup>3</sup> Mass. Archives, ccxl., 31.



CHAPTER 167 a.<sup>1</sup>

ORDER APPOINTING A HEARING ON THE PROPOSED BUILDING OF A MEETING-HOUSE IN THE SOUTH PART OF NEWTON AGAINST THE ADVICE OF THIS COURT.

Legislative  
Records of the  
Council,  
ix., 365.

Province  
Laws, ix., 289,  
chap. 16.

UPON READING A PETITION of the Select Men of Newtown Setting forth that some of the Inhabitants in the Southern Part of their Town are actually preparing to build a Meeting House for the publick Worship of God in that Part, Notwithstanding what this Court hath advised to, W<sup>ch</sup> will be greatly detrimental to the Peace of the whole Town; Praying that a Stop may be put to their Proceeding:

*Ordered* that Penn Townsend & Andrew Belcher, Esq<sup>rs</sup>, of the Council, Addington Davenport, Edmund Quincey & Daniel Parker Esq<sup>rs</sup> Mr William Denison & Cpt. Michael Gill of the Representatives be a Committee to whom this Petition is referred & that they sit forthwith & Report their Opinion, What they think proper to be done by this Court thereon:

The Committee are of Opinion that . . . John Kenrick, Jonathan Hides, Edward Ward & Eliezar Ward, & the other Inhabitants concerned in Preparing to build a New Meeting [House] as is within mentioned be served with a copy of this Petition in Order to their Making an Answer to the same on the second Wednesday of the Sessions of this Court in May next, And they be in the mean Time enjoined to desist from going on with the said Building

In Council

Read & Accepted

[In the House of] Representatives

[Read and] Concurred. [*Passed February 23, 1713*[-14].

## CHAPTER 169.

(Province Laws, IX., 338.)

ORDER CONFIRMING A TRACT OF LAND PURCHASED OF THE INDIANS, BEING TWELVE MILES SQUARE, NAMED NAQUAG, TO THE HEIRS OF MAJ. SIMON WILLARD, AND THE OTHER PETITIONERS, (EXCEPT THAT PART PURCHASED BY THE HON. SAMUEL SEWALL, ESQ.), PROVIDED THAT SIXTY FAMILIES BE SETTLED WITHIN SEVEN YEARS WITH LAND RESERVED FOR GOSPEL MINISTRY AND SCHOOL, THE TOWN TO BE CALLED RUTLAND AND LIE IN MIDDLESEX COUNTY.

Legislative  
Records of the  
Council,  
ix., 366.

IN ANSWER TO THE PETITION of the Sons & Grand-Sons of Major Simon Willard of Lancaster Dec<sup>d</sup> & others for Approbation & Confirmation of their Title to a certain Tract of Land purchased of sev<sup>l</sup> Indians; Viz, Of Joseph Traske alias Daagaskon, Job alias Pompomama, Simon Pittacom Sassawenuco, James Wiser alias Qualapunet containing twelve Miles square the Name in Gen<sup>l</sup> being Naquag, The South Corner butting upon Muscopaug Pond & Running North to Quantick & to Wanhetotick & so Running upon great Wachusett, W<sup>ch</sup> is the North Corner, And so Running North West to Walamanumpscook & so to Quaquanawick little Pond & so to Assanaconcomick Pond, which is the North West Corner, & so running South & so to Muschauge a great Swamp, & so to Sassaketassock which is the South Corner, And so to Passakatikquauge, & so to Akampatunchauge a little Pond, & so to Sumpauge Pond & so to Mussapauge Pond, W<sup>ch</sup> is the East Corner.

<sup>1</sup> Omitted from Province Laws, ix., 338.



*Ordered* that the Lands within mentioned be confirmed to the Children of the said Simon Willard Dec<sup>d</sup> or their legal Representatives & the other Petitioners or their legal Representatives & Associates (Except what Part thereof the Hon<sup>ble</sup> Samuel Sewall Esq<sup>r</sup> hath purchased) they allowing their Proportion of the Charge which some of the Petitioners have been at already in Purchasing the said Lands, each one according to his or her Interest therein, Provided that within seven Years Time there be sixty Families settled thereon, & sufficient Land reserved for a Gospel Ministry & School, And that this Grant shall encroach upon no former Grant or Grants, Nor exceed the Quantity of Twelve Miles square; The Town to be called Rutland and to ly to the County of Middlesex. [*Passed February 23, 1713*]-[14].

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## CHAPTER 174.

(Province Laws, IX., 340.)

RESOLVE APPOINTING JOHN CHANDLER, ESQ., SURVEYOR, TO LAY OUT THE TRACT GRANTED THE HEIRS OF MAJ. SIMON WILLARD, AND OTHERS, AS A TOWNSHIP BY THE NAME OF RUTLAND AND LAY A PLAT BEFORE THIS COURT FOR CONFIRMATION.

*Resolved* that John Chandler Esq<sup>r</sup> Surveyour be appointed & impowered to lay out the Tract of Land granted [the heirs of Maj. Simon Willard and others]<sup>1</sup> this present Session to be a Township by the Name of Rutland at the Charge of the Grantees & lay a Plat thereof before this Court as soon as may be for Confirmation. [*Passed February 24, 1713*]-[14].

Legislative  
Records of the  
Council,  
ix., 368.

*Supra*,  
chap. 169.

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## CHAPTER 1.

(Province Laws, IX., 349.)

VOTE ACCEPTING THE REPORT OF THE COMMITTEE OF THE WHOLE TOWN OF KITTERY FOR DIVIDING IT INTO TWO PRECINCTS AGREEABLE TO A VOTE OF SAID TOWN PASSED IN 1660 AND THAT THE TWO PARISHES BE CONFIRMED AND ESTABLISHED ACCORDINGLY.

UPON READING A PETITION of the Committee for the lower Precinct or Division of the Town of Kittery, Praying a Confirmation of the Report of a Committee chosen by the whole Town for Making a Division of the said Precincts agreeable to a Vote of the Town pass'd in the Year 1660: W<sup>ch</sup> Report is in the Words following; That is to say,

Kittery, Jan. 27, 171 $\frac{3}{4}$  The Subscribers being chosen by the Inhabitants of Kittery to settle a Line of Division between the two Parishes of Kittery, according to the Vote of the said Town in the Year 1660, & being requested to attend that Service as a Committee have heard the Debates of both Parties on the Vote afore said & then with them taken a full View of the Great Cove, to which the said Vote in 1660, hath a principal Reference, And then again having further heard the Reasons of both Sides drawn from the Scituation of the Cove considered together with the Terms of the Vote above said, Have judged it meet & just That the Division Line begin at the Mouth of the Great Cove below Thomas Spinneys Point, & run up through the Middle of the s<sup>d</sup> Cove to

Legislative  
Records of the  
Council,  
ix., 376.

Legislative  
Records of the  
Council,  
ix., 336.

*Ante*, p. 811,  
chap. 169.

<sup>1</sup> *Supra*, chap. 169.



that Part of the Head thereof, W<sup>ch</sup> lyeth due South West from Gowells Bridge, & from thence to run a streight Course due North East over the Middle of Gowels Bridge or the Bridge just by & next above the now Dwelling House of Richard Gowell Senior, across the Town of Kittery above said into York Bounds, W<sup>ch</sup> Line the Subscribers being hereunto impowered do settle as the Division Line between the two Parishes of Kittery:

JN<sup>o</sup> WHEELWRIGHT  
SAM<sup>ll</sup> MOODEY  
LEWIS BANE

The Representative of Kittery being spoken with thereon;  
*Voted* that the Report of the Committee appointed by the whole Town of Kittery refer'd to in the Petition be accepted, And the two Parishes be confirmed & established accordingly. [*Passed May 29, 1714.*]

## CHAPTER 2.

(Province Laws, IX., 349.)

ORDER CONFIRMING AND ANNEXING TO MENDON A TRACT OF LAND CONTAINING NINE HUNDRED AND TWENTY ACRES PURCHASED OF THE INDIANS IN 1691 WHICH ENCOMPASSETH DIVERS PIECES OF MEADOW GRANTED BY THE GENERAL COURT ABOVE FORTY YEARS SINCE.

Legislative  
Records of the  
Council,  
ix., 378.

UPON READING A PETITION of the Select Men of Mendon on Behalf of the Town Praying Confirmation of a certain Tract of Land purchased of John Awassamaug & other Indians in the Year 1691, w<sup>ch</sup> encompasseth diverse Pieces of Meadow, above forty Years since granted by the General Court and a Platt of the Land being offered whereby it is set forth That it consists of the Quantity of Nine Hundred & twenty Acres;

*Ordered* that the Land mentioned in the Petition be granted confirmed & annexed to the Town of Mendon as described in the Deed referred to in the Petition, An Extract whereof is therewith exhibited Provided it doth not interfere with any former Grant or Grants. [*Passed June 1, 1714.*]

## CHAPTER 4.

(Province Laws, IX., 350.)

ORDER APPOINTING JOSEPH DOAN, ESQ., AND OTHERS, IN COMPANY WITH THE SELECTMEN OF TRURO, TO PERAMBULATE AND RUN THE DIVISION LINE BETWEEN SAID TOWN AND THE PROVINCE LAND AT CAPE COD AND TO MAKE DURABLE MARKS TO CONTINUE AND PERPETUATE THE SAME.

Legislative  
Records of the  
Council,  
ix., 378.

In the House of Representatives

*Ordered* that Joseph Doan Esq<sup>r</sup> M<sup>r</sup> Samuel Knowles & M<sup>r</sup> John Pain be appointed & impowered a Committee to notify & summon the Select Men of the Town of Truro to Accompany them such Day as the said Committee shall appoint to perambulate & run the Line of Division between the said Town & the Province Land at Cape Cod, And having discovered it to Satisfaction, to make proper durable Marks to Continue & perpetuate the same & to report their Doings to this Court.

[In Council]

Read & Concur'd, And John Otis & William Basset Esq<sup>rs</sup> joined to be of the Comm<sup>tee</sup> M<sup>r</sup> Otis to appoint the Time. [*Passed June 1, 1714.*]



## CHAPTER 6.

(Province Laws, IX., 350.)

ORDER APPOINTING A HEARING ON THE PETITION OF THE INHABITANTS OF SUDBURY LIVING ON THE WEST SIDE OF THE RIVER TO BE A TOWNSHIP THAT THEY MAY BE IN THE WAY TO ESTABLISH THE WORSHIP OF GOD AMONG THEMSELVES, SUDBURY TO BE NOTIFIED.

UPON READING A PETITION of the Inhabitants of Sudbury living on the West Side of the River; Praying to be made a Township that they may be in the Way to establish y<sup>e</sup> Worship of God among them selves;

Legislative  
Records of the  
Council,  
ix., 380.

*Ante*, p. 750,  
chap. 37.

*Ordered* that the Petitioners serve the Town of Sudbury with a Copy of this Petition, That they may be heard before this Court on the second Wednesday of their Session in the next Autumn, If they have any Thing to object why y<sup>e</sup> Prayer thereof sh<sup>d</sup> not be granted. [*Passed June 2, 1714.*]

## CHAPTER 7.

(Province Laws, IX., 350.)

ORDER CONFIRMING FIVE HUNDRED ACRES, LOCATED BETWEEN MENDON AND MARLBOROUGH AND PLATTED BY A SURVEYOR, TO JOSIAH TORREY OF BRISTOL IN RIGHT OF SAME GRANTED TO HIS FATHER WILLIAM TORREY IN 1683.

UPON READING A PETITION of Josiah Torrey of Bristol, Setting forth That the Gen<sup>l</sup> Court in October 1683; did grant unto his Father Cpt. William Torrey five Hundred Acres of Land in any vacant Place, W<sup>ch</sup> Grant the said William Torrey in & by his last Will gave to his Son Samuel Torrey, Who gave it to the Petitioner, And is now taken up in a vacant Place between Mendon & Marlboro<sup>r</sup>, & platted by a Surveyour, Praying a Confirmation of the said Land so taken up & returned by the Surveyour;

Legislative  
Records of the  
Council,  
ix., 380.

Mass. Bay  
Records,  
v., 417.  
Mass.  
Archives,  
Maps and  
Plans, 3d  
series, iv., 21.

*Ordered* that the Prayer of the Petition be granted, Provided the Platt<sup>1</sup> presented do not interfere with any former Grant. [*Passed June 2, 1714.*]

## CHAPTER 14.

(Province Laws, IX., 352.)

ORDER APPOINTING COL. EDMUND QUINCEY AND COL. SAMUEL THAXTER TO RUN THE LINE BETWEEN DEDHAM AND NEEDHAM, AT THE EQUAL CHARGE OF SAID TOWNS.

*Ordered* that Coll. Edmund Quincey & Coll. Sam<sup>l</sup> Thaxter be a Committee to run the Line of Division between the Towns of Dedham & Needham, Who shall be paid for their Service by the said Towns in equal Proportion. [*Passed June 4, 1714.*]

Legislative  
Records of the  
Council,  
ix., 383.

*Ante*, p. 808,  
chap. 76.

<sup>1</sup> Mass. Archives, Maps and Plans, 3d series, iv., 21.



## CHAPTER 23.

(Province Laws, IX., 356.)

ORDER APPOINTING JOSEPH PARSONS, ESQ., AND OTHERS, A COMMITTEE TO CONSIDER THE PETITION OF BRIMFIELD FOR THREE MILES OF LAND FURTHER EASTERLY TO BUTT ON BROOKFIELD BOUNDS.

Legislative  
Records of the  
Council,  
ix., 389.  
*Ibid.*, State  
Library copy,  
ix., 334.

UPON READING A PETITION of the Committee for the Township of Brinfield [Brimfield] Praying the Grant of Three Miles of Land further Easterly to but on Brookfield Bounds,

*Ordered* that Joseph Parsons Esq<sup>r</sup> Mr Daniel Marsh & Mr John Patridge be a Committee to view the Land petitioned for & the Conveniencies thereof, And make Report at this Court what they shall think best to be done thereupon at the Charge of the Petitioners: And Major Joseph Buckminster & Cpt. John Chandler added to the Comm<sup>tee</sup> in the Affair afore said. [*Passed June 10, 1714.*]

## CHAPTER 27.

(Province Laws, IX., 357.)

VOTE ACCEPTING THE REPORT OF THE COMMITTEE TO RUN THE WESTERLY LINE OF ROCHESTER AND SETTLE ITS BOUNDS WITH TIVERTON, SAVING TO ISAAC POQUASSECHUT, INDIAN, AND OTHERS, THEIR JUST CHALLENGES.

Legislative  
Records of the  
Council,  
ix., 390.

*Ante*, p. 836,  
chap. 144.

WE THE SUBSCRIBERS being appointed by the Great & Gen<sup>l</sup> Court at their Session in February last for to run the Westerly Line of Rochester & to settle Bounds between them & Tiverton; In Pursuance to the said Order on the twenty sixth of this Instant April, We the said Committee mett at the House of Mr James Winslow in Rochester, And after Hearing the Pleas & Allegations of the Agents for Rochester & Mr Joseph Wanton & Mr Richard Bordane [Borden]<sup>1</sup> for Tiverton, And having viewed their respective Deeds & Grants from the Court of Plimouth are humbly of Opinion, That Rochester Westerly Line or Bounds is as follows; Viz, To begin at a picked Rock by the Road which leads from Dartmouth to Middleborô, being an ancient reputed Bounds of the Town of Dartmouth, And from the said Rock to run North & by West two Degrees Westward on a streight Line touching on the Westernmost Part of Quiticus Pond, so to Continue on said Line to a Stake having a Heap of Stones round it, & four small Sapplins mark'd near it, Which Stake stands near Middleborough Line, & stands sixteen Rods to the Westward of said Pond.

DANIEL PARKER      NATH<sup>l</sup> PAYNE  
JAMES SOUTHWORTH      JAMES WARREN

[In Council]

Read & Accepted, Saving to Isaac Poquassechut Indian & others their just Challenges to any Part of the Lands contained within the Lines & Boundaries above express'd to be heard & judged of.

[In the House of] Representatives

[Read &] Concur'd. [*Passed June 11, 1714.*]

<sup>1</sup> Mass. Archives, cxiii., 552.



## CHAPTER 28.

(Province Laws, IX., 357.)

VOTE CONFIRMING TO ELISHA HUTCHINSON AND ISAAC ADDINGTON, ESQUIRES, FIVE HUNDRED ACRES EACH IN THE NIPMUCK COUNTRY ADJOINING THE MANCHAUG FARMS AS LAID DOWN ON THE PLAT SUBMITTED BY JOHN CHANDLER, SURVEYOR, BY A PROPER INSTRUMENT UNDER THE PUBLIC SEAL OF THE GOVERNMENT AND SIGNED BY HIS EXCELLENCY THE GOVERNOR.

HAVING BEEN APPOINTED by the Generall Assembly att their Sessions Held att Boston in February last Dated the 13<sup>th</sup> to Lay out to Elisha Hutchinson and Isaac Addington Esq<sup>rs</sup> one thousand Acres of Land in the Nipmugg Countrey (viz) 500 Acres to the S<sup>d</sup> Elisha Hutchinson and 500 Acres to the said Isaac Addington And present a Platt thereof to the Generall Assembly at their next Sessions,

In Pursuance whereof I have Laid out the Said one thousand Acres of Land adjoyning unto Manchaug Farms, and bounded therewith on the west and with Land of M<sup>r</sup> Collins on the South, on the East and north by Co<sup>m</sup>on. The Southwest Corner is a heap of Stones in the line of s<sup>d</sup> Manchaug Farms, from whence It Extends East five degreese north by M<sup>r</sup> Collins his Land (from Corner to Corner) thre hundred fifty four perch from thence North fifteen degreese west five hundred & twelve perch to a heap of Stones being the North East Corn<sup>er</sup> thereof, from thence west fifteen degreese South 350 perch to the north East Corner of Manchaug Farms, from thence by Said farms four hundred thirty two perch to the first Corner It is distinguished by a line of Partition, the Northermost part being Laid for Col<sup>o</sup> Hutchinson. Through Each part lyeth a Road, and their is allowance for the same in Each, about fifteen Acres, a platt<sup>1</sup> of the wholl is Laid down on this Sheet according to the magnett & protracted by a Scale of 80 perch to an Inch. Completed the 7<sup>th</sup> of Apr<sup>l</sup> 1714.

þ JOHN CHANDLER Surveyer.

In Council;

Read and accepted, The Land herein mentioned to be confirmed to the Grantees respectively their heires and assignes forever, by a proper Instrum<sup>t</sup> under the publick Seal of the Government, Signed by his Excellency [Joseph Dudley]<sup>2</sup> the Governo<sup>r</sup> So that it interfere with no prior Grant.

In the House of Representatives

Read & Concurr'd. [*Passed June 12<sup>3</sup>, 1714.*]

<sup>1</sup> Mass. Archives, Maps and Plans, 3d series, iv., 16.

<sup>2</sup> Province Laws, ix., 345.

<sup>3</sup> This date is June 10 according to Legislative Records of the Council.

Legislative  
Records of the  
Council,  
ix., 388.  
Mass.  
Archives,  
Maps and  
Plans, 3d  
series, iv., 16.

*Ante*, p. 834,  
chap. 135.



## CHAPTER 30.

(Province Laws, IX., 357.)

VOTE ACCEPTING THE REPORT OF THE COMMITTEE RECOMMENDING A NEW PRECINCT IN THE SOUTHERN PART OF NEWTON AS SOON AS THIS COURT SHALL JUDGE THEM OF ABILITY TO MAINTAIN THE WORSHIP OF GOD AMONG THEMSELVES, THE OTHER PART TO REPAY THEM WHAT THEY HAVE PAID FOR THE SAME USE.

Legislative  
Records of the  
Council,  
ix., 391.

Province  
Laws, ix., 351,  
chap. 10.  
*Ante*, p. 842,  
chap. 167a.

WE THE COMMITTEE having been at Newtown on the Day prefixed, & taken a View of the several Parts of the said Town & heard both Parties Do Acknowledge the good Inclinations of those which have petitioned for a distinct Precinct, & are of Opinion that it ought to be granted as soon as it may be with some good Measure of Agreement & Ability, But Considering that to build a Meeting House, settle a Minister & maintain him honourably will be a Burthen too heavy for them being but about Forty Families in all & many of which decline said Work at present; Do therefore propose it as a Way most agreeable to Peace & Duty, for said Town to Continue together as they now are at present, And that they jointly proceed to settle & support one Minister untill this Court judge them on the Southern Part of said Town to be of sufficient Ability to carry on the publick Worship of God among them selves & set them off into a distinct Precinct, And that they Desist & forbear to erect or build any Meeting House in the mean Time, And that there be an Accompt kept of what Sum of Money the said Southern forty Families do pay towards the Settlement of the present Minister, And that when this Court shall judge the said Southern Part of said Town to be of such Ability as competently to maintain the Worship of God among them selves & set them off into a distinct Precinct, as afore said That then the remaining Part of said Town do Repay the like Sum to them for the same Use; All which is humbly submitted &c

per Order of the Committee, JOHN OTIS

[In Council]

Read & Accepted,

[In the House of] Representatives

[Read and] Concur'd. [*Passed June 12, 1714.*]

## CHAPTER 34.

(Province Laws, IX., 358.)

VOTE APPROVING THE REPORT OF THE RIDING COMMISSIONERS OF THE CONTINUATION OF THE PARTITION LINE BETWEEN MASSACHUSETTS BAY AND CONNECTICUT, WEST OF THE CONNECTICUT RIVER, AND ORDER DIRECTING THAT IT BE ADDED TO THE FORMER DRAUGHT AND REPORT.

Legislative  
Records of the  
Council,  
ix., 394.

Mass.  
Archives,  
Maps and  
Plans, no. 246.

THE RETURN of the Riding Commissioners of the Continuation of the Partition Line West of Connecticut River; Viz,

We the Subscribers hereunto being appointed Commissioners by the respective Governments, That is to say, Samuel Pa[r]tridge, John Pynchon & William Dudley Esq<sup>rs</sup> on the Part of the Province of the Massachusetts Bay, And William Pitkin & William Whiting Esq<sup>rs</sup> on the Part of the Colony of Connecticut, for Running & Stating the Line between the said Government, Pursuant to an Agreement made the thirteenth of July 1713. by Commissioners

<sup>1</sup> Mass. Archives, cxiii., 532; Province Laws, vii., 332.



appointed by said Governments for that End: We mett at Suffield the twenty fifth of May 1714: From thence We proceeded to the Line between the said Governments, which We brought up to Connecticut River in October last, And found the said Line to run ninety Rods to the Northward of the North East Corner of Suffield Bounds at the River; From thence We continued the Line West nine Degrees North, three Miles & sixty four Rods, At which Place the Line intersected the North Bounds of Suffield; From thence Continuing the Line untill it intersected the East Bounds of Westfield, falling eight Rods South of a White Oak Tree, which is the Corner between Springfield & Suffield, being five Miles from the great River; We continued the Line to the West Bounds of Westfield being four Miles & thirty eight Rods, where We made a Heap of Stones about a large Stake, Westward of a Brushy Hill & Eastward of a small Swamp, about ten Feet South of a White Oak Tree, Upon the North Side of said Tree we made these Letters  $P_M$ . On the South Side G G. On the East Side S P. I P. W D, And on the West Side WP. WW. From thence We continued the Line about a Mile & an Half to the Beginning of the Mountain, Where we made a Heap of Stones on the Top of a Brushy Hill about twelve Rods East of a little Swamp, And from the first mentioned Heap of Stones, We run a Line South nearest twenty eight Degrees West two Miles & an Half & about forty Rods where We made a Heap of Stones round a White Oak being the South West Corner of Westfield on the East Side of a small Run of Water, & the West Side of a little Plain & is four Miles West by the Needle from the South East Corner of said Town From thence We proceeded to the South Bounds of Symsbury, measured ten Miles North & find the Bounds of that Town do not exceed ten Miles from South to North; We made a large Heap of Stones at the North East Corner of said Town of Symsbury, as formerly granted & settled by the Colony of Connecticut, In which Heap there is a great Stone raised an End, & mark'd MP. on the North Side & G. on the South Side thereof, From thence We proceeded to the Place where the Line run by Mess<sup>rs</sup> Pa[r]<sup>l</sup>tridge Parsons & Porter intersects Symsbury East Bounds, & measured Two Hundred & sixteen Rods Northward in said Bounds & made a Heap of Stones in a Swamp about a small Dog Wood Tree for the Corner Bounds between Windsor & Suffield twelve or fourteen Feet Northward of a Button Wood Tree & then went to the Top of the Mountains or Turkey Hills, there made a Heap of Stones in the North Bounds of Symsbury, about a Mile & an Half from their North East Corner, Then went to the North End of Mountgomery or Mannatuck, where we set a large Stake in a Meadow, for the West or North West Corner of Suffield, near a Brook in the Line run for the South Bounds of Westfield, being two Miles & twelve Rods from the South East Corner of said Town, From thence runs South by West over said Mountain, four Hundred & twelve Rods into the North Bounds of Symsbury, where we made a Heap of Stones at the South End of the said Mountain almost at the Foot thereof for a West or South West Corner of Suffield. All which Line Corners and Boundaries are set forth & described in the Plat made by us Mr Nathaniel Burnham & Mr John Chandler Surveyours on the other Side thereof<sup>2</sup>; We also find the Land lying to the South of the Line between the two Governments in the Town of Springfield to be Two Hundred & eighty seven Acres, And the whole Town of Suffield as now bounded is Twenty two Thousand one Hundred & seventy two acres, being eight Hundred sixty eight

<sup>1</sup> Mass. Archives, cxiii., 532; Province Laws, vii., 332.

<sup>2</sup> Original not found in Mass. Archives, but it has been "added to" Maps and Plans No. 246 in same according to order.



Acres less than their Grant of Six Miles square, And in the Town of Westfield, Five Thousand five Hundred & forty nine Acres, In the Whole Twenty eight Thousand & eight Acres, For which so much is to be allowed by the Province of the Massachusetts to the Colony of Connecticut

NATH <sup>LL</sup> BURNHAM	} Survey <sup>rs</sup>	W <sup>M</sup> PITKIN	SAM <sup>LL</sup> PA[R] <sup>1</sup> TRIDGE
JOHN CHANDLER		W <sup>M</sup> WHITING	JOHN PYNCHON W <sup>M</sup> DUDLEY

[In Council]

Read & Approved &

*Ordered* to be added to the former Draught<sup>2</sup> & Report.

[In the House of] Representatives

[Read and] Concurred. [*Passed June 15, 1714.*]

## CHAPTER 41.

(Province Laws, IX., 361.)

### VOTE ACCEPTING AND CONFIRMING THE PLAT AND DESCRIPTION OF LEICESTER BY JOHN CHANDLER, SURVEYOR.

Legislative  
Records of the  
Council,  
ix., 399.  
Mass.  
Archives,  
Maps and  
Plans, 3d  
series, iv., 17.

Mass.  
Archives,  
Maps and  
Plans, 3d  
series, xv., 14.  
*Ante*, p. 837,  
chap. 140.

BY VIRTUE of an Order of the Generall Assembly att their Session in feb<sup>r</sup> Last, I have Surveyed & laid out the Township of Leicester: I began at the Southwest corner of Worcester, from whence the line proceeds west four degrees north and Extends Nine Mile and twenty perch, to the South East Corner of Brookfield, And from [the] South west Corner of Worcester, it proceeds North by West, and Extends Eight mile and twenty perch, to agreat heap of Stones, and bounds on Worcester line, from thence by a line runing west Seven degrees north, Seven Mile and one hundred perch to the North East Corner of Brookfield. It is bounded West on Brookfield the line wherof is a North and South line and in Length Eight mile

It Contains 40,960 Acres being the Quantity of Eight mile Square and is discribed by the Plan Annexed<sup>2</sup>

JOHN CHANDLER Survey<sup>r</sup>

In the House of Representatives

The Plat & Survey of the Town of Leicester above Delineated, Laid before the House & the Description of the Boundaries thereof. Read Accepted & Confirmed.

In Council.

Read and Concurr'd. Saving all former Grants. [*Passed June 19, 1714.*]

<sup>1</sup> Mass. Archives, cxiii., 532; Province Laws, vii., 332.

<sup>2</sup> [The] Continuation of the line of Partition betwixt the Governments of the Massachusetts Bay [and] Connecticut as underneath protracted and Delineated, run by the Riding Commissioners Namely [Samuel] Partridge, John Pyncheon, and William Dudley Esq<sup>rs</sup> on the part of the Massachusetts, and [William Pitkin] and William Whiting Esq<sup>rs</sup> on the part of Connecticut, is hereby Ratified [and] Confirmed Witness Our hands and Seals hereunto set and Affixed at Boston July 12<sup>th</sup> [1714].

ELISHA HUTCHINSON (Seal)

ISA<sup>A</sup> ADDINGTON. (Seal)

WILLIAM PITKIN (Seal)

WILL. WHITING. (Seal)

J DUDLEY (Seal)

G: SALTONSTALL (Seal)

Massachusetts Archives, Maps and Plans, No. 246.

<sup>3</sup> Mass. Archives, Maps and Plans, 3d series, iv., 17.



## CHAPTER 48.

(Province Laws, IX., 362.)

ORDER CONFIRMING TO THE LEGAL DESCENDANTS OF REV. JOHN ELIOT, LATE OF ROXBURY, CLERK, DECEASED, ONE THOUSAND ACRES AT ALLOM POND IN THE WILDERNESS WEST OF BROOKFIELD, GIVEN HIM BY THE INDIAN PROPRIETORS, AND ALLOWING THEM TO IMPROVE JOHN CHANDLER, ESQ., TO SURVEY, LAY IT OUT AND RETURN A PLAT THEREOF FOR CONFIRMATION.

IN ANSWER TO THE PETITION of John Elliot [Eliot]<sup>1</sup> Praying a Confirmation of a Tract of One Thousand Acres of Land at a Place called the Allom Ponds lying in the Wilderness West of Brookfield, given by the Indian Proprietors to his Grand father the Rev<sup>d</sup> John Elliot [Eliot]<sup>1</sup> late of Roxbury Clerk Dec<sup>d</sup>

Legislative  
Records of the  
Council,  
ix., 401.

*Ordered* that the Tract of One Thousand Acres of Land given by the Indian Proprietors to the late Rev<sup>d</sup> John Elliot [Eliot]<sup>1</sup> as by their grant thereof presented with this Petition is described be Confirm'd to such of the Descendants of the said Donee as are legally entitled to the same, Provided it do not interfere with any Prior Grant; And they may improve John Chandler Esq<sup>r</sup> to survey & lay it out & return a Plat thereof to this Court for further Confirmation. [*Passed June 22, 1714.*]

## CHAPTER 61.

(Province Laws, IX., 365.)

ORDER APPOINTING MAJ. JONAS BOND, AND OTHERS, A COMMITTEE TO CONSIDER THE PETITION OF FRAMINGHAM FOR A TRACT OF LAND BOUNDED BY MARLBOROUGH, SUTTON, MENDON AND FRAMINGHAM, SAVE THAT ALREADY GRANTED, AND REPORT THE QUANTITY AND QUALITY OF SAME AND THE ADVISABILITY OF GRANTING IT.

IN ANSWER TO THE PETITION of Framingham for a Tract of Land bounded by Marlborough, Sutton Mendon & Framingham, except the former Grants included therein to be assigned & granted to the Town of Framingham;

Legislative  
Records of the  
Council,  
ix., 404.

*Ordered* that Major Jonas Bond Mr Benjamin Whittamore & Mr John Sternes be a Committee to go upon the Land petitioned for, View, Consider & Report the Quantity & Quality of it, & whether it be proper that the Prayer of the Petition be granted, The Charge of the Committee to be born by the Petitioners. [*Passed June 24, 1714.*]

## CHAPTER 73.

(Province Laws, IX., 370.)

ORDER APPOINTING MR. SAMUEL JONES, JR., OF MIDDLESEX COUNTY OR JOHN CHANDLER, ESQ., OF SUFFOLK COUNTY TO LAY OUT AND SURVEY SIX THOUSAND ACRES (IN ONE PLACE) GRANTED TO BRAINTREE IN 1666, PROVIDED THE LAND BE TAKEN UP IN THEIR COUNTIES, AS BEST KNOWING THE SAME.

IN ANSWER TO THE PETITION of Edmund Quincey Esq<sup>r</sup> for & in Behalf of the Town of Brantree that a Surveyour may be appointed to protract & lay out six Thousand Acres of Land granted

Legislative  
Records of the  
Council,  
ix., 409.

<sup>1</sup> Mass. Archives, cxii., 200.



Mass. Bay  
Records, iv.,  
part ii., 324.

by the Gen<sup>l</sup> Court in October 1666. to the Inhabitants of Brantree limited to one Place not prejudicing any Plantation or particular Grant to be done at the Charge of the Grantees;

*Ordered* that the Prayer of the Petition be granted & that Mr Samuel Jones jun<sup>r</sup> of Concord is appointed to lay out & survey the said Grant; The Plat when taken to be presented to this Court for Confirmation: Provided If the Land be taken up in Middlesex then Mr Jones to be the Surveyour, If in Suffolk, John Chandler Esq<sup>r</sup> to be the Surveyour, As best knowing in their own Counties. [*Passed June 25, 1714.*]

## CHAPTER 74.

(Province Laws, IX., 371.)

VOTE ACCEPTING THE REPORT OF THE COMMITTEE FOR RUNNING THE TRUE BOUNDS OR LINE BETWEEN TRURO AND THE PROVINCE LANDS AT CAPE COD DEFINING THE SAME BY THE JAW-BONE OF A WHALE NEAR A RED OAK STUMP, MARKED TREES AND A RED CEDAR POST.

Legislative  
Records of the  
Council,  
ix., 418.

*Ante*, p. 844,  
chap. 4.

PURSUANT TO AN ORDER of the Great & General Court or Assembly begun & held at Boston the 26<sup>th</sup> of May 1714. We the Subscribers being appointed a Committee, have made Search & Inquiry for the true Bounds or Line of Division between the Lands belonging to the Proprietors of the Town of Truroe & the Province Lands at Cape Cod; And with the Assistance of the Select Men of said Town have fixed & settled the said Line as follows; Viz, Beginning at the Easterly End of a Cliff near the Cape Harbour, called by the Indians, Ketsconcoyet & by the English Cormorant Hill, at the Jaw Bone of a Whale, set in the Ground there by the side of a Red Oak Stump, & thence running by marked range Trees near on a North & by West Line about Half a Point more Westerly to a mark'd Pine Tree standing by a Reedy Pond called by the Indians Weochnotckcoyisset, And from thence by marked range Trees to a High Hill on the Back Side near the North Sea with a Red Cedar Post set in the said Hill, And thence to run in the same Line to the Sea, And running back on the contrary Line to the Harbor, Thomas Paine Esq<sup>r</sup> & Mr Zedediah Lambert Agents for said Proprietors were present & Consenting thereto; As Witness our Hands hereto set, this 24<sup>th</sup> Day of Sept. Anno Dom: 1714

THO: MULFORD	JOSEPH DOAN
HEZ. PURINGTON	SAM <sup>LL</sup> KNOWLES
THO. PAINE	JOHN OTIS
ZED. LAMBERT	W <sup>M</sup> BASSET.

[In Council]

Read & Accepted

[In the House of] Representatives

[Read and] Concur'd. [*Passed October 21, 1714.*]



## CHAPTER 80.

(Province Laws, IX., 373.)

ORDER APPOINTING JOHN CUSHING, ESQ., AND OTHERS, A COMMITTEE TO RUN THE LINE BETWEEN PLYMOUTH AND BRISTOL COUNTIES WHERE IT IS CONTROVERTED, THE CHARGE TO BE EQUALLY BORNE BY THE SAID COUNTIES.

UPON READING A PETITION of the Town of Bridgewater in the County of Plimouth, Praying for a Committee to run the Line & settle the Bounds of the said County of Plimouth & the County of Bristol adjoining,

Legislative  
Records of the  
Council,  
ix., 423.

*Ante*, p. 799,  
chap. 152.

*Ordered* that the Prayer of the Petition be granted, And that John Cushing & Nath<sup>l</sup> Payne Esq<sup>rs</sup> named of the Council with Seth Arnold Esq<sup>r</sup> M<sup>r</sup> Moses Reed, Cpt. Jacob Thomson [Tomson]<sup>1</sup> & Cpt. Samuel Gallop named by the Representatives be a Committee to run the Line between the Counties of Plimouth & Bristol, where it is controverted, & make Report of their Doings to this Court for Confirmation; The Charge of the Committee to be equally born between the said Counties. [*Passed October 26, 1714.*]

## CHAPTER 83.

(Province Laws, IX., 374.)

ORDER THAT THE WEST SIDE OF THE RIVER IN SUDBURY BE A DISTINCT PRECINCT, THAT A MEETING-HOUSE BE ERECTED AND THAT PENN TOWNSEND, ESQ., AND OTHERS, BE A COMMITTEE, AT THE TOWN'S CHARGE, TO VIEW THE PLACE FOR SAME, HEAR THE INHABITANTS ON BOTH SIDES OF THE RIVER AS TO THE SUPPORT OF THE MINISTRY AND SCHOOLS, UNLESS THE TOWN SHALL AGREE AND RETURN THEIR AGREEMENT WITHIN TWO MONTHS.

IN THE CASE of the Inhabitants on the West Side of the River in Sudbury upon their Petition to be made a Township, Heard yesterday,

Legislative  
Records of the  
Council,  
ix., 425.

*Ordered* that there be a distinct Precinct & a Meeting House erected for the publick Worship of God on the West Side of Sudbury River & that Penn Townsend Edward Bromfield & Jonas Bond Esq<sup>rs</sup> named by the Council, M<sup>r</sup> Jonathan Remington, M<sup>r</sup> John Sternes, Cpt. Francis Fulham & M<sup>r</sup> Benjamin Whittemore named by the Representatives be a Committee to repair to Sudbury to view & survey the Place for Setting up the New Meeting House & hear the Inhabitants on both Sides the River what they propose referring to the Support of the Ministry & Accomodating both Parts of the Town with Schools & report the same at the next Session; Unless the Town shall agree & accomodate the several Articles, & Return their Agreement in Writing to the Chair Man of the Committee within two Months next coming; The Charge of the Comm<sup>tee</sup> to be paid by the said Town. [*Passed October 28, 1714.*]

Legislative  
Records of the  
Council,  
ix., 423.  
*Ante*, p. 845,  
chap. 6.

<sup>1</sup> *Ante*, p. 800, chap. 154.



## CHAPTER 85.

(Province Laws, IX., 374.)

ORDER GRANTING AN EQUAL AMOUNT OF PROVINCE LAND TO JOHN HIGGINSON, ESQ., AS THE EASTERLY LINE OF DRACUT CUTS OFF FROM LANDS HE PURCHASED OF JOSEPH HARDY AND JAMES POLAND, AND THAT THE SAID LOTS AND MEADOW, CONTAINING FOUR HUNDRED AND SIXTY ACRES, MAY BE LAID OUT BY AN ABLE SURVEYOR WHO SHALL PRESENT A PLAT FOR CONFIRMATION.

Legislative  
Records of the  
Council,  
ix., 426.

UPON READING A PETITION of John Higginson Esq<sup>r</sup> Setting forth that the East Line of Dracut Township doth interfere with & cutt off about fifteen poles in Breadth of a certain Lot of Land which he purchased of the Heirs of Joseph Hardy (on the North Side of Merimack River Butting against Pautucket) upon the River, & supposes as much or more in Breadth upward from the River, Praying that the said Lot & an other Lot which he purchased of James Poland, the said two Lots & Meadow containing Four Hundred & sixty Acres may be laid out to him by a Surveyour on the East Side of Dracut Line in one entire Piece, or as it may be found on the East Side of Dracut Line not heretofore granted &c:

*Ordered* that so much of the Province Land be granted to the Petitioner as the Line of Dracut cuts off from the Lotts he claims, to be laid to that Part of his Lots which is without the said Line, so as to make the whole in the same Form & Dimensions as near as may be, as the lots were first laid out in: And that the Petitioner may improve an able Surveyour to lay it out accordingly & present the Plat to this Court for Confirmation. [*Passed October 29, 1714.*]

## CHAPTER 88.

(Province Laws, IX., 375.)

ORDER GRANTING THE MANOR OF TISBURY, COMMONLY CALLED CHILMARK, ALL THE POWERS OF A TOWN AS OTHER TOWNS IN THE PROVINCE DO BY LAW ENJOY.

Legislative  
Records of the  
Council,  
ix., 428.

UPON READING A PETITION of Experience Mahew Agent for the Mannour of Tisbury otherwise called Chilmark, Praying that the said Mannor of Tisbury alias Chilmark & all the Lands belonging thereto in Marthas Vineyard & all other Lands Westward of the Township of Tisbury on said Island (Gay Head excepted) with an Island called No Mans Land may be made a Town or Township by the Name of Chilmark with the Powers & Privileges to a Town of Right appertaining & belonging

*Ordered* that the Mannor of Tisbury commonly called Chilmark have all the Powers of a Town given & granted them for the better Managem<sup>t</sup> of their publick Affairs Laying & Collecting of Taxes granted to his Majesty [George I.]<sup>1</sup> for the Support of the Governm<sup>t</sup> Town Charges & other Affairs whatsoever, As other Towns in the Province do by Law enjoy. [*Passed October 30, 1714.*]

<sup>1</sup> Whittaker's Almanac, 1920, p. 115. Queen Anne died Aug. 1, 1714. George I. was proclaimed king on the same day and crowned on Oct. 20, 1714.



## CHAPTER 91.

(Province Laws, IX., 376.)

ORDERS MAKING NASHOBA AND ADJOINING LANDS A TOWNSHIP, CONFIRMING ITS PURCHASE FROM THE INDIANS TO THE CHILDREN OF MESSIEURS PETER BULKELEY, JOSIAH WHETCOMB, WALTER POWERS AND CAPT. ROBERT MEARES, THE ASSIGNEE OF MAJ. THOMAS HINCHMAN, RESERVING THEIR LANDS TO THE SETTLERS AND FIVE HUNDRED ACRES TO THE DESCENDANTS OF THE INDIAN PROPRIETORS, INCLUDING SARAH DOUBLET, *ALIAS* INDIAN, PROVIDED IT BE SETTLED WITH THIRTY-FIVE FAMILIES AND AN ORTHODOX MINISTER WITHIN THREE YEARS, AND APPOINTING REV. JOHN LEVERETT AND SPENCER PHIPS, ESQ., TRUSTEES FOR THE INDIANS AND CAPT. HOPESTILL BROWN, AND OTHERS, A COMMITTEE TO LAY OUT SAME AND RUN THE LINES.

UPON CONSIDERATION of the sev<sup>al</sup> Petitions & Claims relating to the Land called Nashoba Land;

*Ordered* that the said Nashoba Land be made a Township with the Addition of such adjoining Lands of the Neighbouring Towns whose Owners shall Petition for that End & this Court shall think fit to Grant; That the said Nashoba Lands having been long since purchased of the Indians by M<sup>r</sup> [Peter]<sup>1</sup> Bulkeley & [Maj. Thomas]<sup>2</sup> Hinchman [Hinchman]<sup>2</sup> one Half, The other Half by [Josiah]<sup>3</sup> Whetcomb and [Walter]<sup>4</sup> Powers, that the s<sup>d</sup> Purchase be confirmed to y<sup>e</sup> Children of y<sup>e</sup> s<sup>d</sup> Bulk[e]ley, Whetcomb & Powers, And to Cpt. Robert Meares as Assignee to M<sup>r</sup> Hinchman [Hinchman]<sup>2</sup>, according to their respective Proportions, Reserving to the Inhabitants who have settled within those Bounds their Settlements with Divisions of Lands in Proportion to the Grantees & such as shall hereafter be admitted, The said Occupants or present Inhabitants, Paying in Proportion as others shall pay for their Allotments; Provided the said Plantation shall be settled with thirty five Families & an orthodox Minister in three Years Time; And that Five Hundred Acres of Land be reserved & laid out for the Benefit of any of the Descendants of the Indian Proprietors of the said Plantation that may be surviving, A Proportion whereof to be for Sarah Doublet alias Sarah Indian, the Rev<sup>d</sup> M<sup>r</sup> John Leverett & Spencer Phips Esq<sup>r</sup> to be Trustees for the said Indians to take Care of the said reserved Lands for their Use; And It is further

*Ordered* that Cpt. Hopetill Brown, M<sup>r</sup> Timothy Wily & M<sup>r</sup> Joseph Burnap of Reading be a Committee to lay out the said Five Hundred Acres of Land reserved for the Indians, And to run the Line between Groton & Nashoba at the Charge of both Parties & make Report to this Court, And that however the Line may divide the Land with Regard to the Townships, Yet the Proprietors on either Side may be continued in the Possession of their Improvements, paying as afore said; And no Persons legal Right or Property in the said Lands shall be hereby taken away or infringed. [*Passed November 2, 1714.*]

Legislative  
Records of the  
Council,  
ix., 430.

Province  
Laws, ix., 435,  
chap. 126.  
*Ante*, p. 841,  
chap. 165a.

<sup>1</sup> *Ante*, p. 841, chap. 165a.

<sup>2</sup> Mass. Archives, cxiii., 193.

<sup>3</sup> Province Laws, ix., 435, chap. 126.

<sup>4</sup> Middlesex Deeds, lib. xvii., fol. 498.



## CHAPTER 93.

(Province Laws, IX., 376.)

VOTE ACCEPTING THE REPORT OF THE COMMITTEE EXTENDING THE LINE OF THE LONG DITCH SOUTHERLY TO THE CHARLES RIVER, BEING THE FIXED BOUNDARY BETWEEN DEDHAM AND NEEDHAM.

Legislative  
Records of the  
Council,  
ix., 431.

*Ante*, p. 845,  
chap. 14.

PURSUANT TO ORDER, We the Subscribers Proceeded to Long Ditch being the fix'd Boundary in the Line between the Townships of Deedham & Needham & at the Southerly End thereof took the said Line & carried it in the same Course until We came to Charles River; In which Line we set up several Stakes & mark'd several Trees, One of them being a Maple Tree on the Bank of the said River.

EDMUND QUINCEY      SAM<sup>LL</sup> THAXTER

[In the House of] Representatives  
[Read and] Accepted  
[In] Council  
[Read and] Concur'd. [*Passed November 3, 1714.*]

## CHAPTER 100.

(Province Laws, IX., 379.)

ORDER APPOINTING MR. JABEZ FAIRBANKS, AND OTHERS, A COMMITTEE TO LAY OUT RUTLAND AS NEAR AS MAY BE IN A SQUARE FIGURE, BUT WITHALL CONTIGUOUS TO THE LINES OF LANCASTER, WORCESTER AND LEICESTER, IF IT REACH SO FAR, PRIOR GRANTS THAT FALL WITHIN IT TO BE RECKONED AS PART OF THE TOWNSHIP, THE CHARGE TO BE BORNE BY THE GRANTEES OF SAME.

Legislative  
Records of the  
Council,  
ix., 434.

Province Laws,  
ix., 432, chap.  
117.

*Ordered* that M<sup>r</sup> Jabez Fairbank[s]<sup>1</sup> M<sup>r</sup> Benjamin Whittamore & M<sup>r</sup> Samuel Jones of Concord Surveyour be a Committee to lay out the Town of Rutland as near as may be in a square Figure, but withall contiguous to the Lines of y<sup>e</sup> Towns of Lancaster & Worcester & Leicester if it reach so far: And such particular Prior Grants as happen to fall within such Bounds to be reckoned Part of the Township. The Charge of the Committee to be born by the Grantees of Rutland. [*Passed November 5, 1714.*]

<sup>1</sup> Province Laws, ix., 346.



## CHAPTER 102.

(Province Laws, IX., 379.)

RESOLVE APPOINTING JOHN WHEELWRIGHT, ESQ., AND OTHERS, A COMMITTEE TO PROMOTE A SPEEDY AND REGULAR SETTLEMENT OF THE COUNTY OF YORK IN A DEFENSIBLE MANNER: CAUSE A SURVEY TO BE MADE OF THE TOWNSHIPS ALLOWED AT BLACK POINT, SACO, PAPOODOCK, NORTH YARMOUTH, AND NEAR THE MOUTH OF THE KENNEBECK RIVER TO ACCOMMODATE FIFTY FAMILIES: THAT NO PERSON SETTLE IN ANY PART SAVE YORK, KITTERY, BERWICK, WELLS AND ARROWSICK ISLAND WITHOUT LICENSE: THAT A SUFFICIENT NUMBER OF THE RESOLVES OF THIS COURT RELATING TO THE SAME BE PRINTED AND DISPERSED IN ALL THE TOWNS IN THIS PROVINCE THAT ALL MAY KNOW WHERE TO APPLY, AND THAT CAPT. SAMUEL PHIPS, CLERK OF THE COMMITTEE, ENTER THE SEVERAL CLAIMS IN A BOOK AT THE CHARGE OF THE OWNERS AND THE LATE COMMITTEE DELIVER ALL CLAIMS IN THEIR CUSTODY FOR ENTRY AND RETURN TO THE OWNERS.

*Resolved* that it is for his Majesties [George I.]<sup>1</sup> Service that there be some Townships regularly planted & settled in the most defensible Manner in the County of York in the late Province of Main:

Legislative  
Records of the  
Council,  
ix., 435.

*Ante*, p. 840.  
chap. 165.

That John Wheelwright & Ichabod Plaisted Esq<sup>rs</sup> named by the Council, Cpt. Oliver Noyes M<sup>r</sup> Edward Hutchinson, Coll Adam Winthrop, Cpt. Samuel Phips, Cpt. Lewis Bane & Cpt. John Leighton named by the Representatives be a Committee appointed by this Court to proceed in Receiving the Claims of all Persons whom soever to Lands in the aforesaid Province, And be directed to take all proper Methods for Promoting the speedy & regular Settlements thereof:

That there be several Townships allowed at Present, One at Black Point, one at Saco, One at Papoodock, One at North Yarmouth, And one at or near the Mouth of Kennebeck River or at any other Place that shall appear to the Committee suitable for a Settlement.

That the said Committee be impowered to Cause a Survey of all or any of the said Places or of others as above, and a Plat to be taken of the same, at the Charge of the Proprietors, To lay out suitable House Lotts with suitable Accomodations of Out Lands for fifty Families or more in each Place who shall sit down near y<sup>e</sup> Water Side, close & defensible for their mutual Security.

That in Order thereunto, the said Committee do give publick Notice of the certain Times & Places of their Meeting for the Receiving of Claims not already brought in, & the Proposals of such as are desirous to settle in the Townships as afore said, And make Report of their Doings herein to this Court at their Session in May next for their Allowance & Confirmation.

That no Person or Family presume in the mean Time, & before the Committee shall proceed to order the proper Place, Except York Kittery Berwick, Wells & Arrowsick Island to build or settle in any Part of that County without Licence first had from the Govern<sup>r</sup> & Council:

That there be forthwith imprinted at the Charge of this Province a sufficient Number of the Resolves of the Gen<sup>l</sup> Court [relating to the settlement of the Eastern lands] to be dispersed into all the Towns within this Province, that all Persons may know where to apply them selves for the Ends afore said

<sup>1</sup> Whittaker's Almanac, 1920, p. 115.



That Cpt. Samuel Phips be Clerk of the Comm<sup>tee</sup> to make Entry of the several Claims in a Book<sup>1</sup> at the Charge of the Owners, And the late Comm<sup>tee</sup> is directed to deliver the Instruments of Claim now in their Custody to him for that End, Who when they are entered is to deliver them to their respective Owners. [*Passed November 5, 1714.*]

<sup>1</sup> See "Eastern Claims", and "A true Copy Attest J. Willard Setry" in Massachusetts Archives. A copy of the original, lacking a few pages, and edited as to punctuation, has been printed in the Maine Historical and Genealogical Recorder, vols. 4-8.

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# GENERAL INDEX.

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# GENERAL INDEX.

The general index in this volume is a modified form of the indices in volumes IX to XX, which aim to bring out the names in chapter titles and text and the subjects in the chapter titles only. Matters of importance, both in text and notes, have been included.

In the main it is alphabetical, but to gain clearness it is sometimes arranged otherwise. In the larger groups the sub-headings are arranged as general, special and personal, and in towns and plantations the references to incorporation and boundaries are given first. Duplication of entries has been eliminated as much as possible in such groups as counties, courts, petitions, plantations, towns, vessels, etc., only general references being given, the special and personal being placed under the main subject or name only.

All possible spellings of surnames have been grouped alphabetically under the first form found and cross-referenced when necessary. References to the same name have been grouped together, save when it was definitely known that they refer to different individuals.

Places are given under modern spellings usually, save that Indian names are given as spelled, with the modern form, if any, following in parentheses.

Capitals have been used for proper names only, the subject matter briefed, and punctuation used as little as possible.

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representative, . . . . .	514
shirts, etc., for army, . . . . .	74, 492
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horses for army, . . . . .	583
representative, . . . . .	513
shirts, etc., for army, . . . . .	73, 491

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**HARDING, JOSHUA.**

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horses for army, . . . . .	583
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**HARVARD.**

beef for army, . . . . . 624  
draft quota, . . . . . 44, 523, 571  
horses for army, . . . . . 583  
representative, . . . . . 5  
shirts, etc., for army, . . . . . 73, 490

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